LAWS

OF THE

STATE

OF

NEW-YORK.

EIGHTEENTH SESSION.

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M,DCC,XCV.

LAWS

OF THE

STATE OF NEW-YORK,

PASSED AT THE FIRST MEETING OF THE EIGHTEENTH SESSION

OF THE LEGISLATURE OF THE SAID STATE.

CHAP. I.

A. D. 1795.
Ind. U. S. XIX.

An ACT *to revive and continue the proceedings in the Court for the trial of Impeachments and the correction of Errors.*

Paſſed the 29th of January, 1795.

Preamble as to proceedings in certain courts held at Poughkeepſie 12 January 1795.

WHEREAS the court for the trial of Impeachments and the correction of Errors was held in the Senate room at Poughkepſie in the county of Dutcheſs, on Monday the twelfth day of January, in the year of our Lord one thouſand ſeven hundred and ninety five, and was then and there adjourned until the Monday then next. And whereas on Wedneſday the fourteenth day of January in the year aforeſaid the Legiſlature adjourned to meet at the City-hall of the city of New-York on Tueſday the twentieth day of January in the year aforeſaid, ſo that the ſaid court was not held on the day to which it was adjourned as aforeſaid; by reaſon whereof all proceedings depending therein became diſcontinued. For remedy whereof

Adjournment of the Legiſlature to New-York.

Said proceedings revived and adjourned to the 2d of Feb.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That all proceedings whatſoever depending in the ſaid court at the time of the adjournment thereof as aforeſaid on the ſaid twelfth day of January in the year aforeſaid, ſhall be and hereby are revived and continued, and adjourned to the firſt Monday next after the paſſing of this act.

CHAP. II.

An ACT *concerning Jurors for the trial of Iſſues in the city of New-York.*

Paſſed the 4th of February, 1795.

The mode of appointing juries for trials in courts held in the city of New-York, and ſummoning them.

Be it enacted *by the People of the State of New-York repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That the mayor, aldermen and commonalty of the city of New-York in Common Council convened ſhall on or before the firſt day of July next, cauſe the name of each perſon reſiding in the city and county of New-York, qualified to ſerve on juries, with his place of abode and addition to be written on a ſlip of paper or parchment, and the ſame ſlips of paper or parchment to be put into a box to be provided for the purpoſe. And that from and after the ſaid firſt day of July next, whenever any writ or proceſs ſhall be iſſued for ſummoning a jury for any trial to be had in the city and county of New-York either in the Supreme court or in any court of Oyer and Terminer and Gaol delivery or circuit court or ſeſſions of the peace, or mayors court, the ſheriff or officer to whom ſuch writ or proceſs ſhall be directed, ſhall immediately upon receiving the ſame give notice thereof to the town clerk of the city of New-York, who ſhall thereupon draw out of the ſaid box as many of the ſaid ſlips of paper or parchment as ſhall be equal to the number of jurors to be ſummoned upon ſuch writ or proceſs. And if any perſon whoſe name ſhall be ſo drawn ſhall be dead, abſent from the city, or not qnalified to ſerve as *as* a juror to the knowledge of the ſaid clerk, or be upon the pannel of the grand jury to be ſummoned at the ſame term or ſeſſion, he ſhall draw another or others until he ſhall have drawn a ſufficient number who are qualified, and ſhall then make a pannel of their names, with their places of abode and additions as the ſame are written on the ſame ſlips of paper or parchment, unleſs any of them ſhall have changed their places of reſidence to his knowledge, in which caſe he ſhall alter the ſame in the pannel agreeable to the truth, and deliver the ſame pannel to the ſaid ſheriff or officer, who ſhall annex the ſame pannel to the ſaid writ or proceſs and ſammon

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the perſons named therein as jurors thereon, and ſhall alſo annex a copy of the ſame pannel to all other proceſs he may receive for ſummoning juries for trials in the ſame court at the ſame term or ſeſſion, and return the ſame perſons as jurors thereon; but if the perſon named on any of the ſaid ſlips of paper ſo drawn ſhall be dead or not qualified to ſerve on juries to the knowledge of the ſaid clerk, he ſhall immediately deſtroy ſuch ſlip of paper or parchment, and when he ſhall have compleated ſuch pannel he ſhall put all the ſaid ſlips of paper or parchment containing the names of the jurors named in the ſaid pannel, and thoſe containing the names of ſuch as are abſent from the city or on the grand jury into another box to be provided for the purpoſe, and ſhall proceed in like manner upon every application for a jury, until all the ſaid ſlips of paper or parchment ſhall be drawn out of ſuch firſt box, and ſhall then in like manner upon the next application proceed to draw the names of the jury out of the other box, returning the ſlips of paper or parchment containing the names of the jury ſo drawn and of thoſe who ſhall be abſent or on the grand jury into the ſaid firſt box, and ſo on as occaſion ſhall require. And the ſaid clerk ſhall have for his ſervices in drawing every ſuch jury and making the pannel ſix ſhillings, to be paid to him by the ſheriff or other officer at whoſe requeſt it ſhall be done, and the ſheriff ſhall charge and be allowed what he pays to the ſaid clerk in his account againſt the people of this State. And ſuch other officer as ſhall at any time pay the ſame to the ſaid clerk ſhall charge it to the plaintiff in the cauſe in which he returns the jury.

The Clerks fees how paid.

And be it further enacted by the authority aforeſaid, That the mayor, aldermen and commonalty of the city of New-York, in Common Council convened, ſhall from time to time as occaſions require, and once in every year at laſt, cauſe the name of each perſon reſiding in the city and county of New-York, and qualified to ſerve on juries, and not contained in either of the ſaid boxes, with his place of abode and addition, to be written on a like ſlip of paper or parchment and put into the box out of which the names of jurors are then to be drawn as aforeſaid. *Provided always* that nothing in this act contained ſhall extend to any cauſe which is or ſhall be ordered to be tried by a ſtruck jury.

Once a year the names of perſons qualified for jurors, to be taken and added to thoſe names taken jurors before them.

CHAP. III.

An ACT *to authorize the Commiſſioners of the Land-office to grant certain lands to Iſrael Spencer and others.*

Paſſed the 4th of February, 1795.

Preamble reſpecting 30 perſons inclining to form a new ſettlement.

WHEREAS Iſrael Spencer and twenty nine others his aſſociates, to wit, Jotham Houghton, James Weſtcoat, Joſiah Chaſe, Iſaac Coller, John Thompſon, James Quackenbuſh, Joſeph Colver, John Mumford, John Siſſon, Joſeph Weſtcot, Jaſon Spencer, John Mead, John Tuthill, Daniel Seaver, Samuel Siſſon, George Mumford, Arnal Siſſon, Ephraim Wight, Wilder Rice, Ephraim Kitchum, Nicholas Kittle, Iſrael Spencer junior, Jeſſe Spencer, Ezra T. Spencer, Jabez Dean, Eliſha Chamberlain, Charles Devenport, Amos Spencer and Andrew N. Kittle, have by petition repreſented to the Legiſlature that they incline to form a compact ſettlement on a part of the unappropriated tract of land herein after deſcribed.

Utility of ſettlement by aſſociations.

And Whereas ſettlements by aſſociations of huſbandmen has a tendency to promote good order, to enable the aſſociates to provide teachers for the inſtruction of their children, and is a mean to afford mutual aid to each other in their agricultural purſuits. Therefore

4800 acres to be granted to *Iſrael Spencer* and 29 others

Situation of the lands and mode of granting them.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful to and for the ſaid Iſrael Spencer, in behalf of himſelf and his aſſociates, to locate four thouſand eight hundred acres of land in one entire tract, part of the unappropriated land lying in the county of Otſego, and between the lands heretofore granted to Walter Franklin and others, and Alexander M'Kee and others, and ſhall cauſe the ſame to be ſurveyed at his and their proper expenſe by the Surveyor General of this State, or by ſuch deputy as he ſhall thereunto appoint; and that as ſoon as may be after ſuch ſurvey ſhall be compleated, the ſaid Surveyor General ſhall certify to the commiſſioners of the land office, the bounds of the tract ſo located and ſurveyed, ſpecifying the names of the perſons aſſociated with the ſaid Iſrael Spencer, and alſo the name or names of any perſon or perſons at preſent occupying any part of the lands ſo to be located, and the number of acres contained within the tract ſo located and ſurveyed; whereupon the ſaid commiſſioners of the land office, ſhall cauſe letters patent to be iſſued to the ſaid Iſrael Spencer and ſuch other perſons as ſhall be named in ſuch certificate, as tenants in common, in fee ſimple. *Provided always*, that before ſuch letters patent ſhall be iſſued, the ſaid Iſrael Spencer and his aſſociates, or ſome or one of them, ſhall pay into the Treaſury of this State, the ſum of one thouſand four hundred and forty pounds, in three equal payments, the firſt whereof ſhall be made on or before the expiration of one year from the date of ſuch certificate as aforeſaid, and the reſidue in two equal annual payments thereafter, receipts of all which payments ſhall be exhibitted and filed in the office of the Secretary of this State, before the iſſuing of ſuch letters patent.

Proviſo 1440l. to be paid previous to iſſuing letters patent.

CHAP. IV.

An ACT *directing the Paving certain Streets in the Village of Lanſingburgh, in the county of Renſſelaer.*

Paſſed the 10th of February, 1795.

Of commiſſioners appointed to direct the paving of certain ſtreets.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That John D. Dickinſon, James Dole, Jonas Morgan, Annanias Platt, Nicholas Schuyler, John Keating and Benjamin Tibbitts, or any four of them, be, and they hereby are appointed commiſſioners, with full power and authority from time to time and in ſuch manner as they ſhall judge moſt conducive to public convenience, to order and direct the pitching, leveling, forming and paving the roods and or ſtreets hereafter mentioned, viz. That known by the name of King-ſtreet, in the village or town

of Lanſingburgh, in the county of Renſſelaer, leading from what is commonly called South-ſtreet to Richard-ſtreet, in the town or village aforeſaid, alſo that commonly called North-ſtreet leading from Queen-ſtreet to Water-ſtreet, alſo that commonly called Hooſick-ſtreet, leading from Queen-ſtreet, to Water Street all in the town or village aforeſaid; and that for the better effecting the ſame, the ſaid commiſſioners or any four of them, ſhall and may cauſe an eſtimate or eſtimates of the expence to be incurred in the premiſes, and a juſt and equitable aſſeſſment thereof to be made among the owners or occupants of all the houſes and lots intended to be benefitted by this regulation, in proportion as nearly as may be to the advantage they ſhall be deemed reſpectively to acquire thereby: And in order that the ſame may be impartially performed, the ſaid commiſſioners ſhall from time to time appoint, three ſufficient and diſintereſted freeholders for every ſuch purpoſe, who ſhall before they enter upon the execution of their truſt, be duly ſworn before any juſtice of the peace of the ſaid county, to make the ſaid eſtimate or aſſeſſment fairly and impartially according to the beſt of their ſkill and judgment, and a certificate in writing of ſuch eſtimate and aſſeſſment being returned to the ſaid commiſſioners and ratified by them ſhall be binding and concluſive upon the owners or occupants of ſuch houſes and lotts ſo to be aſſeſſed reſpectively, and ſuch owners and occupants reſpectively ſhall thereupon become and be liable and chargeable, and they are hereby required upon demand, to pay to ſuch perſon or perſons as ſhall be authorized by the commiſſioners by their order for that purpoſe to be made in writing to receive the ſame, and in default of payment thereof, it ſhall and may be lawful to and for the ſaid commiſſioners or any four of them, by warrant under their hands and ſeals, to cauſe the ſaid ſum or ſums of money ſo aſſeſſed to be levied by diſtreſs and ſale of the goods and chattels of the owner or occupant of ſuch houſe or lott ſo aſſeſſed, and neglecting or refuſing to pay the ſame, rendering the overplus money, if any there be, after deducting the ſum aſſeſſed and the charges of diſtreſs and ſale, to ſuch owner or occupant, or his or her legal repreſentative.

Duties and powers of thoſe Commiſſioners.

Aſſeſſments how to be made and when paid.

Defaulters how to be treated.

Provided, That it ſhall be lawful to and for the ſaid commiſſioners, or any four of them, to direct and eſtabliſh certain rates at which any labour performed or materials furniſhed by any ſuch owner or occupant for and towards the completing of ſuch pavement as ſhall be credited on the ſaid aſſeſſment.

Proviſo as to fixing the rates of labor and materials.

And be it further enacted, That nothing in the preceding clauſe contained ſhall be conſtrued to affect any contract or agreement that hath been or ſhall be made between any land-lord and tenant reſpecting the payment of any ſuch charges or repairs, but that they ſhall be anſwerable to each other in like manner as if this act had never been made, and that in caſe any money ſo from time to time to be aſſeſſed for the ſervice aforeſaid, ſhall be paid by any perſon when by agreement or by law the ſame ought to have been borne by ſome other perſon, that then it ſhall and may be lawful to and for the perſon ſo paying the ſame, and he ſhall be and hereby is empowered and authorized to ſue for and recover the ſame with intereſt and coſts of ſuit in any court having cognizance thereof, as ſo much money paid for the uſe of the perſon for whom or for whoſe uſe the ſame ſhall have been paid.

Contracts between landlords & tenants not to be affected.

Perſons paying monies for the uſe of others to recover the ſame with intereſt & coſt.

And be it further enacted, That if upon the completion of the pitching, levelling, forming and paving the above mentioned ſtreets or roads, it ſhall appear to the ſaid commiſſioners, that a greater ſum of money has been bona fide expended in completing the ſame, than the ſum mentioned in the eſtimate ſo made as aforeſaid, and actually collected, it ſhall and may be lawful to and for the ſaid commiſſioners or any four of them to cauſe a further aſſeſſment to be made of the ſum which ſuch bona fide expenditures ſhall exceed the ſum ſo eſtimated and collected as aforeſaid, upon and among the owners and occupants of all the houſes and lots before aſſeſſed as aforeſaid, and to cauſe the ſame to be collected in like manner as herein before directed, and that if the ſum actually expended ſhall be leſs than the ſum expreſſed in ſuch eſtimate and actually collected as aforeſaid, the ſurplus ſhall be forthwith rendered to the reſpective perſons from whom the ſame were ſo collected and received as aforeſaid, or his or her legal repreſentative.

A further aſſeſſment ſhall be made in caſe of deficiency.

Surplus, if any, to be repaid.

And be it further enacted, That in caſe any of the lots ſituate on any of the ſaid ſtreets, ſhall not be occupied or tenanted, or in caſe ſufficient goods and chattels to pay the ſum ſo to be aſſeſſed on any lot or lots on any of the ſaid ſtreets ſhall not be found, then and in every ſuch caſe, it ſhall be the duty of the ſaid commiſſioners or any four of them, to cauſe an advertiſement to be printed for ſix weeks ſucceſſively in the public newſpapers to be printed by the printer to the State, and in one of the public newſpapers to be printed in Lanſingburgh aforeſaid, ſpecifying the number of ſaid lot or lots and the ſum or ſums ſo aſſeſſed upon them, and requiring the owners of ſuch lots to pay the ſaid ſum or ſums ſo aſſeſſed with the expence of ſuch advertiſements to the ſaid commiſſioners within nine months from the date thereof, and in caſe any of the ſaid ſums ſo aſſeſſed ſhall remain unpaid at the expiration of the ſaid nine months, then and in every ſuch caſe, the ſum ſo aſſeſſed with intereſt at the rate hereinafter mentioned, ſhall be alien upon the lot upon which the ſame ſhall be ſo aſſeſſed as aforeſaid, and the ſaid commiſſioners or any four of them, ſhall permit any perſon who will pay the ſum ſo aſſeſſed on any ſuch lot with the ſaid charges, to take poſſeſſion thereof, and ſuch perſon, his heirs and aſſigns ſhall hold and occupy the ſame lot, and receive and take the rents and profits thereof to his and their own uſe, until the owner ſhall repay to him or them the ſum ſo paid, with intereſt for the ſame at the rate of ten per cent; and the perſon ſo holding and occupying any of the ſaid lots ſhall not be anſwerable to the owner or owners thereof for any rents or profits thereof during the time he occupies the ſame, and ſhall have liberty at any time within thirty days after ſuch repayment as aforeſaid, to remove all the buildings and materials which he ſhe or they ſhall erect or place thereon.

Lots unoccupied, or without goods ſufficient to anſwer aſſeſſments how to be diſpoſed of to produce their reſpective aſſeſſments.

CHAP. V.

An ACT *for raiſing a ſum of Money for completing the Gaol and Court-Houſe in the City and County of Albany.* Paſſed the 10th of February, 1795. P.

WHEREAS the commiſſioners appointed by the act entitled "An act for building a Gaol and repairing the Court-Houſe in the city and county of Albany," have repreſented to the ſupervisors of the ſaid county, that an additional ſum of at leaſt five hundred pounds will be abſolutely

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requiſite to complete the ſame. *And whereas* the ſaid ſupervifors by their petition have prayed that a law might be paſſed for that purpoſe: Therefore,

500l. to be raiſed for completing the court-houſe & gaol in Albany.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the ſupervifors of the city and county of Albany, and they are hereby authorifed and required, to direct to be raiſed on the freeholders and inhabitants of the ſaid city and county, the ſum of five hundred pounds for completing the gaol and court-houſe of ſaid county, with an additional ſum of one ſhilling in the pound for collecting the ſame, which ſaid ſums ſhall be raiſed, levied and collected at the ſame time, and in like manner as the other neceſſary and contingent charges of the ſaid city and county are levied and collected.

with poundage for collecting.

The money to be paid by the collectors to the Treaſurer and by him to commiſſioners or order, who are to account with the Supervifors.

And be it further enacted, That the ſaid ſum of five hundred pounds, ſhall be collected and paid into the treaſury of the ſaid city and county, on or before the firſt Monday of February, which will be in the year of our Lord, one thouſand ſeven hundred and ninety ſix, and the treaſurer of the ſaid city and county is hereby required and directed out of the money aforeſaid, to pay to the commiſſioners appointed by the act above recited or their order, the ſeveral ſums of money to be by them drawn for, and it is hereby made the duty of the ſaid commiſſioners for the time being to account with the ſupervifors of the ſaid city and county for the monies to be by them received and expended for the purpoſe aforeſaid when thereunto required.

Treaſurers' poundage.

And be it further enacted, That it ſhall and may be lawful for the treaſurer of the ſaid city and county of Albany, to retain in his own hands the ſum of three pence in the pound for his trouble in receiving and paying out the monies arifing and directed to be raiſed by this act.

CHAP. VI.

An ACT *further to continue the Treaſurer of this State in office.*

Paſſed the 10th of February, 1795.

Gerard Bancker continued State Treaſurer.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That Gerard Bancker ſhall be and hereby is continued in office as Treaſurer of this State until ſixty days after the riſing of the Legiſlature at their next meeting after the firſt day of July which will be in the year of our Lord one thouſand ſeven hundred and ninety ſix.

his oath of office.

And be it further enacted, That the ſaid Gerard Bancker, if he ſhall take upon him the execution of the ſaid office, ſhall on or before the firſt day of April next, appear before one of the juſtices of the Supreme Court of this State and take the following oath, viz. "I Gerard Bancker, appointed Treaſurer of the State of New-York, do ſolemnly and ſincerely ſwear and declare in the preſence of Almighty God that I will during my continuance in the ſaid office, well faithfully and honeſtly to the beſt of my knowledge and ability, execute all and every of the duties appertaining to the ſaid office, and that I will not on any occaſion or pretence apply any money ſecurities or other effects, which ſhall or may come to my hands belonging to the ſaid State, to any private uſes or purpoſes whatſoever, and that when my accounts as Treaſurer ſhall be examined in manner directed by law, I will exhibit a true account of ſuch monies, ſecurities and other effects, under this my oath of office, So help me God."

To give bond with four ſureties.

And be it further enacted, That the Speaker of the Aſſembly for the time being, ſhall take a bond from the above named Gerard Bancker, on or before the firſt day of April next, with not leſs than four ſufficient ſureties to the people of this State, in the ſum of twenty thouſand pounds lawful money of this State, with a condition, that the ſaid Gerard Bancker ſhall and will well, faithfully and honeſtly, execute and perform the duties of the ſaid office, which bond when ſo taken, ſhall be lodged in the Secretary's office of this State.

When ſaid bond ſhall be diſcharged.

And be it further enacted, That if the ſaid Gerard Bancker ſhall upon the expiration of the time for which by this act he is continued in office, procure and lodge in the office of the Secretary of this State, a certificate duly executed by the committee to be appointed for the ſettlement of the accounts of the ſaid Gerard Bancker, expreſſing that his accounts as Treaſurer are regularly ſtated and balanced, and alſo that the balance of monies, ſecurities and other effects belonging to the State, if any there be, are actually in the treaſury or depoſited as directed by law; ſuch certificate when lodged in the office of the Secretary of the State as aforeſaid, ſhall be to all intents and purpoſes a diſcharge of the bond directed by this act to be given by the Treaſurer, with ſureties, for the faithful performance of the duties of his office as aforeſaid.

CHAP. VII.

An ACT *for the relief of the Heirs of Jeremiah Duggan, deceaſed.*

Paſſed the 24th of February, 1795.

Preamble reſpecting Jeremiah Duggan's ſons.

WHEREAS Jeremiah Duggan, heretofore an inhabitant of Canada, left the ſame with his family when the army of the United States retreated therefrom, in the year one thouſand ſeven hundred and ſeventy ſix, and obtained a commiſſion of Major, and was in the actual ſervice of the United States until his deceaſe, his family then and now reſiding within this State, but probably by reaſon of his death, his name was not inſerted in the liſt of refugees who ſubſequent to the time of taking refuge in this State, became by law entitled to bounty lands: Therefore,

Lands to be granted to them.

Be it enacted, *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful for the commiſſioners of the land office, and they are hereby directed to cauſe letters patent to iſſue to James Duggan, the eldeſt ſon of the ſaid Jeremiah Duggan, and an inhabitant of this State, and to his heirs and aſſigns, for five

hundred acres of land, and to William Duggan, the ſecond ſon of the ſaid Jeremiah Duggan, and an inhabitant of this State, and to his heirs and aſſigns, for another five hundred acres of land, in the tract of land ſet apart for the uſe of the line of this State, lately ſerving in the army of the United States.

CHAP. VIII.

An ACT *to enable the Miniſter, Elders and Deacons, of the Reformed Proteſtant Dutch Church, of the City of New-York, to hold and enjoy an eſtate of the yearly value therein mentioned.*

Paſſed the 24th of February, 1795.

Preamble.

WHEREAS the Corporation of the Miniſter, Elders and Deacons, of the Reformed Proteſtant Dutch Church of the City of New-York, have by their petition ſtated to this Legiſlature, that the yearly income which they are enabled by law to hold and enjoy, is leſs than the exigencies of the ſaid Corporation require. Therefore,

Yearly income of the Dutch church, in New-York, not to exceed 3600l.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the Miniſter, Elders and Deacons of the Reformed Proteſtant Dutch Church of the city of New-York, and their ſucceſſors, ſhall have full power, good right and lawful authority, to hold and enjoy lands, tenements and hereditaments, goods and chattels, and to demiſe leaſe and improve the ſame, or any part thereof, for the benefit of the ſaid corporation: *Provided*, that the yearly income of ſuch real and perſonal eſtate, ſhall not exceed the ſum of three thouſand ſix hundred pounds, including the income they now hold and enjoy. *Provided always*,

And be it further enacted, That one or more of the Deacons of the ſaid church, ſhall triennially exhibit on oath to the Chancellor, or one of the juſtices of the Supreme court, an account and inventory of ſuch real and perſonal eſtate in ſuch mannner as is preſcribed by law, with reſpect to other religious denominations in this State.

CHAP. IX.

An ACT *relative to the Courts of Common Pleas and General ſeſſions of the peace, in and for the county of Dutcheſs.*

Paſſed the 24th of February, 1795.

Terms of courts in Dutcheſs county altered.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That inſtead of the preſent terms of the courts of Common Pleas and General Seſſions of the peace, in and for the county of Dutcheſs, the court of Common Pleas, in and for ſaid county, ſhall, from and after the firſt day of January next, be held on the ſecond Tueſday of January, the laſt Tueſday of March, the laſt Tueſday of June, and the ſecond Tueſday of October in every year, and that each of the ſaid terms may continue to be held until the ſeveral Saturdays next following incluſive, and that the Court of General Seſſions of the peace, in and for the ſaid county, ſhall from and after the firſt day of January next, be held on the ſaid laſt Tueſday of March, and the ſaid ſecond Tueſday of October in every year, and may continue to be held until the ſeveral Saturdays next following, incluſive.

Proviſo. As to adjournments.

Provided always that it ſhall be lawful for the Judges and Juſtices of the ſaid reſpective courts, when they conceive the due adminiſtration of Juſtice will admit thereof, to adjourn the ſaid courts reſpectively to the next ſucceeding term, on any day preceding the laſt day, to which the power of holding the ſaid courts is hereby extended as aforeſaid.

CHAP X.

An ACT *to incorporate the Truſtees of the Lanſingburgh Library.*

Paſſed the 24th of February, 1795.

Preamble. Reſpecting ſubſcribers to the Lanſingburgh library.

WHEREAS John Van Renſſelaer, Jonas Coe, Nathaniel Williams, Silveſter Tiffany, Elijah Janes, William Bell, Eliſha Putnam, Hiram Hopkins, Benjamin Tibbits, John D. Dickenſon, John Wolcott, Shuball Gorham, Mathew Lyne, Annanias Platt, Joſeph Alexander, Levinus Lanſing, John Gaſton, Herculus Marriner, John Rockwell, Jonathan Burr, David Spalding, Cornelius Lanſing, Archibald Campbell, James Hickok, Lewis Beebee, Nicholas Schuyler, Thomas Rattoon, Wheeler Douglaſs, John Keating, Michael Henry, Aſhbell Root, Thomas Baſſell, Stephen W. Johnſon, William W. Wands, John Lovett, William Bradley, Bela Redfield, Charles Selden, Jonas Morgan, Simeon Johnſon, Ezra Hickok, Abiel Bugbey, Thomas Turner, Zachariah Garnwrick, Joſeph D. Selden, Joſhua Burnam, William Sim, David Thompſon, James Reed, George F. Tennery, Samuel Stewart, Jacob A. Lanſing, Guert Van Schoonhoven, Iſaac Keeller, Joſeph Lockwood, John Hutchinſon, John Hazard, Hezekiah Ketcham, Mathew Gregory, Depuy Roſekrans, Joſeph Robbins, Flores Bancker, Mathew Perry, and George Tibbits, have by petition repreſent to the Legiſlature, that they have become ſubſcribers to, and have aſſociated for the purpoſe of eſtabliſhing a public Library in the village of Lanſingburgh; that the ſaid ſubſcribers have appointed John Van Renſſelaer, John D. Dickenſon, Charles Selden, Benjamin Tibbits, Elijah Janes, John Keating, William Bell, Silveſter Tiffany, Nicholas Schuyler, Nathaniel Williams, Jonas Coe, and Guert Van Schoonhoven, truſtees for the ſaid Library, ſo to remain until the ſecond Monday in March next, with power among other things to appoint a Treaſurer for the ſaid Library. That the Truſtees aforeſaid, purſuant to the power in them veſted by the ſaid ſubſcribers, have appointed William Bradley, Treaſurer of the ſaid Library; that each of the ſaid ſubſcribers have paid or ſecured to be paid to the ſaid Treaſurer, the ſum of thirty ſhillings for each right, ſuch ſubſcriber held therein, and that each of the ſaid ſubſcribers have by their aſſociation, for the purpoſe aforeſaid, agreed to pay to the Treaſurer of the ſaid Library, the further ſum of thirty

Truſtees of ſaid library.

Their reſpective ſhares.

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ſhillings, on the firſt day of May laſt, and annually the further ſum of twenty ſhillings for each right, by them reſpectively held in the ſaid Library, for the term of four years, to be computed from the firſt day of February, one thouſand ſeven hundred and ninety-four, and annually forever thereafter, the ſum of eight ſhillings for every ſuch right, and thereupon the ſaid ſubſcribers, in and by their ſaid petition, have prayed, that for promoting the object of ſuch aſſociation as aforeſaid, the ſubſcribers to the ſaid Library might be incorporated on principles as nearly as might be correſpondent with their original aſſociation; a copy whereof accompanied the ſaid petition, therefore, in compliance with the prayer of the ſaid petition,

Trustees incorporated.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That the ſaid John Van Renſſelaer, Jonas Coe, Nathaniel Williams, Silveſter Tiffany, Elijah Janes, William Bell, Eliſha Putnam, Hiram Hopkins, Benjamin Tibbits, John D. Dickenſon, John Wolcott, Shubal Gorham, Mathew Lyne, Annanias Platt, Joſeph Alexander, Levinus Lanſing, John Gaſton, Herculus Marriner, John Rockwell, Jonathan Burr, David Spalding, Cornelius Lanſing, Archibald Campbell, James Hickok, Lewis Beebe, Nicholas Schuyler, Thomas Rattoon, Wheeler Douglaſs, John Keating, Michael Henry, Aſhbel Root, Thomas Baſſell, Stephen W. Johnſon, William W. Wands, John Lovett, William Bradley, Bela Redfield, Charles Selden, Jonas Morgan, Simeon Johnſon, Ezra Hickok, Abiel Bugbey, Thomas Turner, Zachariah Garnwrick, Joſeph D. Selden, Joſhua Burnham, William Sim, David Thompſon, James Reed, George F. Tennery, Samuel Stewart, Jacob A. Lanſing, Guert Van Schoonhoven, Iſaac Keeler, Joſeph Lockwood, John Hutchinſon, John Hazard, Hezekiah Ketcham, Mathew Gregory, Depuy Roſekrans, Joſeph Robbins, Flores Bancker, Mathew Perry and George Tibbits, and ſuch other perſons as ſhall be hereafter admitted members of the Corporation hereby erected, be and hereby are ordained, conſtituted and declared to be one body, corporate and politic in fact, and in name, by the name of "the Truſtees of the Lanſingburgh Library," and by that name they and their ſucceſſors ſhall, and may forever hereafter have perpetual ſucceſſion, and ſhall and may by the ſame name, be perſons capable in the law to ſue and be ſued implead, and be impleaded, anſwer and be anſwerded unto, defend and be defended, in all courts and places whatſoever, in all manner of actions ſuits complaints, matters and cauſes whatſoever, and of what kind or nature ſoever, and that they and their ſucceſſors may have a common ſeal and may change and alter the ſame at their pleaſure, and alſo, that they and their ſucceſſors by the name of "the truſtees of the Lanſingburgh library," ſhall be in law capable of purchaſing holding and conveying any eſtate, real or perſonal, for the uſe of the ſaid corporation: Provided, ſuch real and perſonal eſtate at any one time held by the ſaid truſtees of the Lanſingburgh library, ſhall not exceed the annual value of five hundred dollars, excluſive of the books, and of the annual payments herein after mentioned, to be made by the members of the ſaid corporation.

Their name and privileges.

Annual income not to exceed 500 dols.

12 Truſtees appointed.

And be it further enacted by the authority aforeſaid, That for the better carrying into execution the purpoſe aforeſaid, there ſhall forever hereafter, belong to the corporation of the truſtees of the Lanſingburgh library aforeſaid, twelve truſtees who ſhall conduct and manage the buſineſs of the ſaid Corporation library, in the manner herein after directed and appointed, and that the ſaid John Van Renſſelaer, John D. Dickenſon, Charles Selden, Benjamin Tibbits, Elijah Janes, John Keating, William Bell, Silveſter Tiffany, Nicholas Schuyler, Nathaniel Williams, Jonas Coe, and Guert Van Schoonhoven, be the preſent truſtees of the ſaid library, who ſhall remain in thoſe offices until the ſecond Monday in March next, and until others ſhall be choſen in their ſtead, that there ſhall forever hereafter be one Chairman of the ſaid Truſtees, one Treaſurer and one librarian, to be elected and appointed in the manner herein after mentioned, and that it ſhall and may be lawful, to and for the ſaid Truſtees, in their diſcretion whenever they conceive it neceſſary, and for the intereſt of the ſaid Corporation, to appoint one, and the ſame perſon, both Treaſurer and Librarian, that the ſaid John Van Renſſelaer, be the preſent Chairman of the Truſtees of the ſaid Library, and that the ſaid William Bradley, be the preſent Treaſurer and Librarian of the ſaid Library.

A chairman, treaſurer and librarian.

And be it further enacted by the authority aforeſaid, That on or before the firſt Monday in March next, the ſaid truſtees ſhall by lot be divided into two claſſes, each claſs to conſiſt of ſix of the ſaid Truſtees; that the offices of the firſt claſs of the ſaid Truſtees ſhall determine, on the ſecond Monday in March next, and the offices of the Truſtees of the ſecond claſs, ſhall determine on the ſecond Monday in March, in the year of our lord, one thouſand ſeven hundred and ninety-ſix, and that on the firſt Monday in March next, and on the firſt Monday in March in every year forever thereafter, there ſhall be a general meeting of the members of the ſaid Corporation, for the time being, at ſome convenient place in Lanſingburgh, to be from time to time aſcertained, and fixed by the bye laws of the ſaid Corporation, and that then and there by a plurality of votes of ſuch members as ſhall ſo meet ſix Truſtees ſhall be elected by ballot, ſo that one half of the ſaid Truſtees ſhall be annually choſen: That any perſon holding more than one right in the ſaid Library, ſhall be entitled to one vote for each right he or ſhe ſhall hold in the ſame, that the Truſtees of the ſaid Library ſhall annually at their firſt meeting, on or after the ſecond Monday in March, in every year as aforeſaid, appoint one of the ſaid Truſtees their Chairman; that when and as often as any vacancy ſhall happen by the death, removal, reſignation or neglect, to ſerve of any of the ſaid Truſtees, it ſhall be lawful for the Chairman of the ſaid Truſtees, or on his neglect or refuſal for any other three of the ſaid Truſtees, to ſummon a meeting of the members of the ſaid Corporation, at ſuch place in Lanſingburgh as ſhall have been fixed and aſcertained by the bye laws of the ſaid Corporation, for the purpoſe of electing another, or other perſon or perſons, inſtead of ſuch as ſhall ſo have died, removed, refuſed or neglected to ſerve as aforeſaid, and that ſuch perſon or perſons ſo to be choſen Truſtee or Truſtees, at ſuch meeting as laſt aforeſaid, ſhall reſpectively remain in office during ſuch time as the perſon in whoſe ſtead ſuch Truſtee ſhall be choſen would have done, in caſe ſuch death, removal, refuſal or neglect had not happened and no longer; that in caſe of the death, removal, refuſal or neglect, to ſerve of the Chairman for the time being, it ſhall be lawful

Truſtees when to be divided into 2 claſſes.

One half of the truſtees to be annually choſen at a general meeting.

Each right to entitle to 1 vote.

Vacancies how to be filled up.

On the death, &c.

for the Truſtees of the ſaid Library, at any of their meetings, to appoint another Chairman, inſtead of the one dying, removing, refuſing or neglecting to ſerve as aforeſaid, to remain in office until the firſt meeting of the ſaid Truſtees, on or after the ſecond Monday in March then next, that the Truſtees of the ſaid Library, ſhall at every ſuch annual general meeting of the members of the ſaid Corporation, exhibit to ſuch members a ſtate of the ſaid Library, the minutes of the proceedings of the Truſtees, during the year immediately preceding ſuch meeting, and the Treaſurer and Librarians accounts: Stating, the amount of receipts and expenditures during ſuch year.

of the Chairman, how another is to be appointed.

Annual ſtate of the library and expenditures.

And be it further enacted by the authority aforeſaid, That the ſaid truſtees ſhall have ſtated meetings once in every quarter in every year at ſuch times as the ſaid truſtees ſhall from time to time appoint for that purpoſe; that the ſaid chairman or any three of the truſtees of the ſaid library for the time being ſhall and may from time to time as occaſion may require, ſummon and call together at ſuch place in Lanſingburgh as ſhall from time to time be appointed by the bye laws of the ſaid corporation, the truſtees of the ſaid library, giving them at leaſt two days notice of ſuch meeting; that the chairman and any ſix or more of the ſaid truſtees, and in the abſence of the chairman, any ſeven or more of the ſaid truſtees, ſhall form a board of truſtees, and that the chairman and the other of the ſaid truſtees ſo met, ſhall reſpectively have one vote in the proceedings of the ſaid truſtees; that any ſeven or more of the ſaid truſtees, or a majority of them ſo met, ſhall have full power and authority, to adjourn from day to day, or for ſuch other time as the buſineſs of the corporation may require; and from time to time, to appoint and at their pleaſure to diſplace a treaſurer and librarian of the ſaid library, and to appoint other or others in their ſtead and place; from time to time to aſcertain the compenſation to be allowed the treaſurer or librarian, or either of them, for their ſervice in their ſtation reſpectively, and from time to time to regulate and appoint to them the ſaid treaſurer and librarian or either of them, their reſpective powers, truſts and duties; to direct the application of the monies belonging to the ſaid corporation, to the purchaſe of ſuch books as they ſhall from time to time think proper, to the providing a room or houſe for the ſafe keeping of the books of the ſaid library, and to tranſact, do, manage and perform in the name of the ſaid corporation, all and every act and acts, thing and things whatſoever, which ſhall be neceſſary to be done, and which the truſtees of the Lanſingburgh library aforeſaid are by virtue of this law authorized to do; and to make, frame, conſtitute, eſtabliſh and ordain from time to time, and at all times hereafter, ſuch laws, conſtitutions, ordinances and regulations, for the better government of the officers, members and ſervants of the ſaid corporation, for regulating the terms upon which the books of the ſaid library ſhall be lent out, both to the members of the ſaid corporation and others, for fixing and aſcertaining the times and places of quarterly meetings of the ſaid truſtees, for altering, fixing and aſcertaining the places of meeting of the members of the ſaid corporation, for the election of truſtees, for regulating the management and diſpoſition of the books of the ſaid library, and the monies, funds and effects belonging to the ſaid corporation, the transferring rights in the ſaid library from one perſon to another, and all other the buſineſs and affairs whatſoever of the ſaid corporation, as they or the major part of them ſo legally met ſhall judge beſt for the general good of the ſaid corporation, and for the more effectual promoting, increaſing and preſerving the ſaid library, and the ſame or any of them, to alter, amend or repeal from time to time as they or the major part of them ſo met ſhall think proper: *Provided*, ſuch laws, conſtitutions, regulations and ordinances be not repugnant to the laws of this State.

Truſtees to have quarterly meetings.

By whom, when and where ſuch meetings to be called together.

7 Truſtees a quorum.

Their powers as to Adjournments.

As to, the treaſurer and librarian.

Application of monies, &c.

To make laws, &c. And for what purpoſes.

Not repugnant to the laws of the ſtate.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for each and every of the members for the time being of the ſaid corporation, his and her executors adminiſtrators and aſſigns, to give, ſell, alien, aſſign deviſe or diſpoſe of their reſpective rights in the ſaid library, and that their reſpective aſſigns ſhall be members of the ſaid corporation, and ſhall be entitled to all and every the ſame rights and privileges in the ſaid library and in the ſaid corporation as the members in this act named are entitled to by virtue of this act. *Provided always* that a part of a right in the ſaid library ſhall not entitle the proprietor or owner thereof to any privilege whatſoever in the ſaid library or corporation.

Rights aſſignable, &c and aſſignees become members.

Proprietor of part of a right has no privilege.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful at ſuch meeting of ſeven or more of the ſaid truſtees of the library for the time being, or for the major part of them ſo met, to make any bye-laws, conſtitutions or ordinances of the ſaid corporation to admit under the common ſeal of the ſaid corporation ſuch and ſo many perſons members of the ſaid corporation as they ſhall think beneficial to the ſaid library; which members ſo admitted ſhall be entitled to have hold and enjoy all and every of the ſame rights and privileges as the members herein particularly named are entitled to by virtue of this act.

Members of the corporation, how to be encreaſed.

And be it further enacted by the authority aforeſaid, That each and every of the members of the ſaid corporation for the time being ſhall on or before the firſt day of May next, pay to the treaſurer of the ſaid library for the uſe of the ſaid corporation the ſum of twenty ſhillings for each right they reſpectively hold, and on or before the firſt day of February in every of the three next ſucceeding years to be computed from the firſt day of February next, pay to the treaſurer of the ſaid library for the uſe of the ſaid corporation the further ſum of twenty ſhillings for each right ſuch members reſpectively hold in the ſaid library, and from and after the expiration of the ſaid three years the ſum of eight ſhillings for each right ſuch members reſpectively hold in the ſaid library, on or before the firſt day of February in every year for ever thereafter; and that in caſe any of the ſaid annual ſums or any other ſum which of right ſhall become due to the corporation from any of its members ſhall at any time or times hereafter be in arrear and unpaid by and for the ſpace of forty days next after any of the days on which the ſame ought to have been paid, that then the perſon or perſons from whom the ſame ſhall be due and payable, ſhall be precluded from exerciſing any of the privileges to which he became entitled by virtue of his being or becoming a member of the ſaid corporation until ſuch ſums ſhall be fully ſatisfied, and if ſuch payment ſhall not be made within two years after any ſuch ſums ſhall become due as afore-

Monies to be paid by the members for each right, and to whom, for 3 years.

Afterwards to pay 8s. annually for ever for each right.

Delinquents precluded from privileges, &c.

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ſaid that then and after the expiration of two years from the time ſuch payment ſhall become due, the perſon or perſons from whom the ſame ſhall become due and payable, ſhall thereupon forfeit and be utterly excluded of all his, her or their rights and privileges in the ſaid library and corporation.

Defect of elections not made on certain days, how remedied.

And be it further enacted by the authority aforeſaid, That in caſe it ſhould ſo happen, that an election of truſtees ſhould not be made on any day when purſuant to this act it ought to have been made, the ſaid corporation ſhall not for that cauſe be deemed to be diſſolved, but that it ſhall and may be lawful on any other day to hold and make an election of truſteees in ſuch manner as ſhall have been regulated by the laws and ordinances of the ſaid corporation.

CHAP. XI.

An ACT *for taking a Cenſus in this State.*

Paſſed the 3d of March, 1795.

The ſecretary's duty.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly. and it is hereby enacted by the authority of the ſame*, That the ſecretary of this State, ſhall forthwith cauſe returns to be printed in the forms of the ſchedules to this act annexed, and ſhall on or before the firſt day of May next, deliver or cauſe to be delivered to the clerk of the city and county of New-York, ſeven copies of the ſaid returns according to the firſt of the ſaid ſchedules, and ſeven copies of this act; and to the clerk of the city and county of Albany, three of ſuch ſchedules and three copies of this act; and to the treaſurer of the county of Albany; and to the treaſurers reſpectively of the other counties in this State, other than the counties of Ontario, Clinton and Onondaga, three times as many of the ſaid returns according to the ſecond of the ſaid ſchedules as there are cities and towns in their counties reſpectively, and a like number of copies of this act; and it is hereby made the duty of, and enjoined on, the ſaid treaſurers reſpectively, on or before the firſt day of May next, to deliver to the clerk of each of the towns within the county of which he is treaſurer, and to the clerk of the city of Hudſon, by the treaſurer of the county of Columbia, the returns and acts intended for each town, and for the ſaid city of Hudſon.

County treaſurer's duty.

Supervifors, aſſeſſors and clerks in every town to appoint perſons to take the cenſus of the electors.

And be it further enacted by the authority aforeſaid, That the ſupervifor of the city of Hudſon, the aſſeſſors and clerk thereof, and the ſupervifor, aſſeſſors and clerk of every town in this State, ſhall reſpectively convene on or before the firſt Monday in June next, at the office of the clerk of the ſaid city or town (as the caſe may be) and they or ſuch of them as ſhall ſo convene, ſhall by a majority of voices appoint one or more not exceeding three diſcreet and capable perſons to take the cenſus of the electors in the city or town for which they ſhall reſpectively be appointed, and in the manner hereinafter directed.

Perſons in each ward in New-York and Albany, how appointed to take the cenſus of the electors.

And be it further enacted by the authority aforeſaid, That the mayor, aldermen and commonalty, in common council convened, of the cities of New-York and Albany reſpectively, ſhall on or before the firſt Tueſday in June next, appoint one or more not exceeding three diſcreet and capable perſons in each of the wards of the ſaid cities reſpectively, to take the cenſus of the electors in the wards of the ſaid cities for which they ſhall reſpectively be appointed, and in the manner hereinafter directed.

Preamble.
Suppoſing no treaſurers in Ontario, Clinton and Onondaga.

And whereas, there may not be a treaſurer in either of the counties of Ontario, Clinton and Onondaga, nor ſupervifors, aſſeſſors and clerks in each of the towns of the ſaid counties:—Therefore,

Secretary to ſend certain returns to the ſheriffs of ſaid counties.
Their duty.

Be it further enacted by the authority aforeſaid, That the Secretary of this State is hereby required to tranſmit to the ſheriffs of the ſaid counties reſpectively, ſuch a number of the ſaid returns, and copies of this act, as ſhall in his judgment be competent for the purpoſes by this act intended; and it ſhall be, and it is hereby made the duty of each of the ſaid ſheriffs reſpectively, either by himſelf, his deputies, or by deputies to be ſpecially appointed for the purpoſe, to take the cenſus in manner hereinafter directed, and ſhall aſſign to each deputy ſuch parts of his county as he ſhall deem proper, requiring of each deputy to deliver the returns of the cenſus taken, to him on or before the firſt day of December next; and the ſheriffs reſpectively ſhall tranſmit ſuch returns to the Secretary of this State, in like manner, on or before the time limited for tranſmitting ſuch returns by the treaſurers of the other counties.

Duties of the perſons appointed to take the cenſus.

And be it further enacted by the authority aforeſaid, That the perſon ſo to be appointed, in the city of Hudſon, and in the ſeveral towns within this State, and within the ſaid counties of Ontario, Clinton, and Onondaga, ſhall without delay take the number of all the electors reſiding in the ſaid city, towns and counties reſpectively, and enter the ſame in the returns to be delivered them, by the clerk of the ſaid city, and of the towns reſpectively, and by the Sheriffs of the ſaid counties in manner following, that is to ſay, in the firſt column, the name of the head of each family, in the ſecond column, the whole number of male inhabitants in the ſame family, if any who are above the age of twenty one years, and are poſſeſſed of freeholds within this State, of the value of one hundred pounds, over and above all debts charged thereon, in the third column, the whole number of male inhabitants in the ſame family, if any who are above the age of twenty one years, and are poſſeſſed of freeholds in the county, in which the ſaid city or town is ſituated of the value of twenty pounds, but no perſon ſhall be numbered in the third column, who has been numbered in the ſecond column, in the fourth column, the number of male inhabitants in the ſame family, if any, not poſſeſſed of freeholds in the ſame county, and who are citizens of this State, and above the age of twenty one years, and who rent tenements of the yearly value of forty ſhillings, but no perſon ſhall be numbered in the fourth column, who has been numbered either in the ſecond or third columns, and when they have compleated the ſame in the manner hereby directed, they ſhall each reſpectively ſubſcribe the return to be by him made with his name, and certify the ſame to be a true return to the beſt of his knowledge and belief, and ſhall atteſt to the truth of ſuch certificate by oath or affirmation, before any juſtice of the peace, who ſhall certify ſuch atteſtation, and

Census being taken, when, and to whom to be delivered.

each person having taken such census, shall on or before the first day December next, deliver or cause the same to be delivered in manner following, to wit. those taken in the counties of Ontario, Clinton and Onondaga, to the Sheriffs of the said counties respectively, and those taken in the city of Hudson, and in the several towns of the other Counties, to the clerk of the said city and towns, respectively, and the clerks shall immediately thereafter deliver or cause the same to be delivered to the Treasurer of their counties respectively, and the said Sheriffs and Treasurers are hereby strictly enjoined, carefully to enclose the returns to them severally delivered, in one or more safe and convenient packages, and place his seal on each package, and shall carry or send by a special messenger, or some other safe person, who shall give a receipt for the same, all such returns to the Secretary of this State, on or before the tenth day of January next.

Returns of census for New-York, how made, by whom, and when.

And be it further enacted by the authority aforesaid, That the returns of the census taken in the city of New-York, shall with respect to the four first columns, be taken and made in like manner as is directed with respect to the towns, and in the fifth column shall be inserted the number of male inhabitants in the same family, if any who were freemen of the City of New-York, on the fourteenth day of October, in the year of our lord, one thousand seven hundred and seventy five, and no person shall be numbered in the fifth column, who has been numbered in either of the other columns, and the returns so compleated certified and attested to, in manner aforesaid, shall be delivered to the clerk of the said city, on or before the first day of December next, and by the said clerk delivered to the Secretary of the State, on or before the tenth day of January next.

Return of census for Albany, how made, by whom and to whom.

And be it further enacted by the authority aforesaid, That the returns of the census taken in the city of Albany, shall with respect to the four first columns, be taken and made in like manner as is directed, with respect to the towns, and in the fifth column shall be entered the number of male inhabitants in the same family, if any, who were freemen of the city of Albany, on the twentieth day of April, in the year of our lord, one thousand seven hundred and seventy seven; and no person shall be numbered in the fifth column, who has been numbered in either of the other columns, and the returns so compleated, certified and attested to, in manner aforesaid, shall be delivered to the clerk of the said city, on or before the first day of December next, and immediately thereafter by the said clerk, to the Treasurer of the city and county of Albany, to be transmitted by the said Treasurer, with the returns taken in the towns of the said county.

The secretary's duty on receiving the returns.

And be it further enacted by the authority aforesaid, That the Secretary of this State shall without delay, after receiving the same returns, make or cause to be made from the said returns, a general account of the number of electors in each county of this State, substituting in such account, the names of the cities, wards and towns in the first column, in the place of the names of the heads of families in the said returns, and also a general account of the number of electors in this State, substituting the names of the counties in the first column, in the place of the names of the cities, wards and towns, in the said first general accounts, and lay such accounts before the Legislature, at their first meeting, after the first day of January next.

Persons appointed to take the census, to administer oaths.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for any of the said sheriffs and deputy sheriffs, and persons appointed to take the census, and each and every of them is hereby authorized to administer an oath to, and examine any person on oath touching the premises to enable them to make true returns as aforesaid.

Delinquents fined 50l. and how recovered.

And be it further enacted by the authority aforesaid, That if any mayor, alderman, assistant, supervisor, assessor, sheriff, or deputy sheriff or person appointed to take the census, or county treasurer, shall refuse or neglect to perform what is required of him by this act, every person so refusing or neglecting shall forfeit and pay to the people of the State of New-York the sum of fifty pounds, to be recovered with costs of suit by the Attorney General of this State by action of debt, bill plaint or information in any court of record.

Certain persons allowed a compensation for their services.

And be it further enacted by the authority aforesaid, That the said sheriffs, deputy sheriffs, persons appointed to take the census and county treasurer in each county shall be allowed and paid for their services such sum of money as the supervisors of the same county or the major part of them shall judge reasonable, to be assessed levied and paid as part of the contingent charges of the same county; and in case the treasurers of the counties of Montgomery, Washington, Tioga, Herkemer and Otsego, and the sheriffs of the counties of Clinton, Ontario and Onondaga, or either of the said treasurers or sheriffs shall find it requisite to forward the said returns by any special messenger such special messenger shall be allowed at and after the rate of one shilling and six pence per mile, the mileage to be computed from the residence of the treasurer or sheriff (as the case may be) to the city of New-York; and such mileage shall be paid by the treasurer of this State on the certificate of the Secretary thereof.

Heads of families giving a false account to the takers of the census, to forfeit 10l.

And be it further enacted by the authority aforesaid, That if any person being the head of a family shall make a return or give an account to any person authorized by this act to take the census of the electors within this State of a greater or less number of persons than belong to his or her family as male freeholders possessing freeholds of the value of one hundred pounds, or as male freeholders possessing freeholds of the value of twenty pounds, or as male inhabitants renting tenements of the yearly value of forty shillings, or as freemen within the purview of this act of either of the cities of New York or Albany; every person so offending shall forfeit the sum of ten pounds to be recovered with costs of suit before any justice of the peace to and for the sole use and benefit of any person who shall prosecute for the same, or if any person shall give an account of or return himself to any person authorized by this act to take the census of the electors within this State, as a freeholder of either of the descriptions herein before specified, or as an inhabitant renting a tenement of the yearly value of forty shillings, or as such a freeman as aforesaid, and shall not at the same time be such freeholder, inhabitant or freeman, shall forfeit the sum of ten pounds to be recovered with costs of suit before any justice of the peace, to and for the sole use and benefit of any person who shall prosecute for the same.

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FIRST SCHEDULE.

Returns of Electors in the ward of the city of

Heads of Families.	Electors poſſeſſed of freeholds of the value of 100l.	Electors poſſeſſed of freeholds of the value of 20l. and under 100l.	Electors not poſſeſſed of freeholds but who rent tenements of the yearly value of 40s.	Electors who were freemen on the day of 177

SECOND SCHEDULE.

Return of Electors in the town of in the county of

Heads of Families.	Electors poſſeſſed of freeholds of the value of 100l	Electors poſſeſſed of freeholds of the value of 20l. and under 100l.	Electors not poſſeſſed of freeholds but who rent tenements of the yearly value of 40s.

CHAP. XII.

An ACT *to enable the Mayor, Aldermen and Commonalty of the City of New-York, to order the raiſing monies by tax, for the maintenance of the Poor, and for defraying other expenſes in the City and County of New-York.*

Paſſed the 5th of March, 1795.

Mayor, aldermen, &c to raiſe 14000l. by tax, for ſupport of the poor, &c. on the eſtates of perſons within the city and county of New-York

BE it enacted *by the People of the State of New-York repreſented in Senate and Aſſembly*, That the mayor, aldermen and commonalty of the city of New-York, or the major part of them, of whom the mayor or recorder to be one, ſhall be and hereby are fully authorized and empowered, as ſoon as conveniently may be after the firſt day of May next, to order the raiſing a ſum not exceeding *fourteen thouſand pounds*, by a tax on the eſtates, real and perſonal of the freeholders and inhabitants within the city and county of New-York, to be applied to the ſupport and maintenance of the poor of the ſaid city and county, and for purchaſing further materials to build a new alms-houſe in the ſaid city, for making repairs and improvements in the gaol and bridewell of the ſaid city, and ſubſiſting the criminals from time to time confined therein reſpectively, for the repairing and maintaining the public roads, and regulating and improving the ſtreets, and for paying the other contingent expenſes ariſing within and properly chargeable to the ſaid city and county.

And a futher ſum of 6000l. for paying watchmen, repairing lamps, &c. on the eſtates of perſons to the ſouthward of a certain line.

And be it further enacted, That it ſhall and may be lawful for the mayor, aldermen and commonalty aforeſaid, or the major part of them, of whom the mayor or recorder to be one, as ſoon as conveniently may be after the firſt day of May next, to order the raiſing a further ſum not exceeding *ſix thouſand pounds*, by a tax on the eſtates, real and perſonal of the freeholders and inhabitants within the ſaid city, on the ſouth ſide of a line beginning at the outlet of the meadow of Anthony Liſpenard, into Hudſon's river, thence extending to and along the north ſide of the dwelling houſe of Nicholas Bayard, thence to and along the north ſide of the dwelling houſe of John R. Livingſton, and thence to and along the north ſide of the dwelling houſe of Abraham Cannon, to the Eaſt river, to be applied to the payment of ſo many watchmen as the mayor, aldermen and commonalty of the ſaid city, in common council convened ſhall from time to time think neceſſary for guarding the ſaid city, and alſo the purchaſing oil, providing lamps, and repairing and attending the lamps which now are and from time to time hereafter may be erected within the ſaid city, and alſo the making and repairing the pumps and wells in the ſaid city, and for the payment of ſuch other contingent charges of the ſaid city ariſing within the limits aforeſaid and properly chargeable thereto, as the mayor, aldermen and commonalty of the ſaid city, in common council convened ſhall think neceſſary and from time to time direct; which ſaid ſeveral ſums of money ſhall be rated and aſſeſſed according to the eſtate of ſuch reſpective perſon ſo to be taxed, and be collected in one payment and paid into the hands of the treaſurer or chamberlain of the ſaid city, at ſuch time after the ſaid firſt day of May next, as the ſaid mayor, aldermen and commonalty, or the major part of them ſhall direct and appoint, any thing in the ſecond ſection of the ſtatute entitled, "An act for the more effectual collection of taxes in the city and county of New-York" contained to the contrary notwithſtanding.

Compenſation to the collectors and chamberlain.

And be it further enacted, That it ſhall be lawful for the collectors of the fourth, ſixth and ſeventh wards of the ſaid city, to retain in their hands the ſum of one ſhilling in the pound, and the collectors in the ſeveral other wards the ſum of ninepence in the pound, and no more, for their trouble in collecting and paying to the treaſurer or chamberlain of the ſaid city ſuch ſums of money as ſhall be raiſed by virtue of this act, and that it ſhall and may be lawful for the ſaid treaſurer or chamberlain, to detain in his hands the ſum of *two pence* in the pound, and no more, for his trouble in receiving and paying the ſaid monies.

CHAP. XIII.

An ACT *to raiſe a further ſum of money, to diſcharge the arrears for rebuilding the bridge over the Ramapough Creek in Orange County.*

Paſſed the 5th of March, 1795.

Reciting that by a certain act the ſum of 80l. was raiſed on certain towns for building a bridge over the Ramapough-Creek, which ſum is found to be inſufficient.

WHEREAS by an act, paſſed the 10th day of February, 1794, entitled, "An act for rebuilding the bridge over the Ramapough creek in Orange county, and for other purpoſes," the ſum of eighty pounds was raiſed of, and from the freeholders and inhabitants of the towns of New-Hempſtead, Clarks-town and Haverſtraw, in the ſaid county, for rebuilding the ſaid bridge, which ſum is found to be inſufficient to complete the ſame; and whereas a number of the inhabitants of the ſaid towns by their petition to the legiſlature, have prayed that a further ſum of money may be raiſed to pay the arrears in rebuilding the ſaid bridge:—Therefore,

BE it enacted *by the people of the State of New-York, repreſented in Senate and Aſſembly*, That the

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Supervisors of the county of Orange, to raise 56l. 6s. more to be levied on the inhabitants of said towns and paid to the county treasurer by a certain day.

And treasurer to pay the same to supervisors of said towns.

supervisors of the county of Orange, or a majority of them at their next annual meeting, are hereby authorized and required to cause to be levied and collected, of and from the freeholders and inhabitants of the towns of New-Hempstead, Clarkstown and Haverstraw, in the said county, a sum not exceeding the sum of fifty six pounds six shillings, which money shall be paid into the hands of the treasurer of the said county, on or before the first day of December next, in like manner as the other contingent charges of the said county are raised, levied and paid, together with the usual fees for levying, collecting and paying the same. And the said treasurer is required to pay the said sum of fifty six pounds six shillings to the order of the supervisors of the said towns, or a major part of them, to pay and discharge the said arrears, and the said supervisors shall account to the supervisors of the said county, for the disposition of the said monies when thereunto required.

CHAP. XIV.

An ACT *for apportioning the Poor of the late town of Saratoga among the towns therein mentioned, and for other purposes.*

Passed the 5th of March, 1795.

Preamble.

WHEREAS no provision has been made by law since the division of the late town of Saratoga, for apportioning the poor belonging to the said town among such parts thereof as have been erected into separate towns:—Therefore,

Stanton Tifft, and others appointed commissioners to apportion the poor of the towns of Stillwater, Saratoga and Easton among said towns, and for adjusting the unsettled acounts of said towns.

BE IT ENACTED *by the People of the State of New-York, represented in Senate and Assembly*, That Stanton Tifft, Philip Smith, Thomas Smith, John Bleecker, Elias Palmer, Cornelius Vandebergh Jonathan Lawrence, Daniel Bull, and John B. Schuyler, be, and are hereby appointed commissioners, for the purpose of apportioning the said poor among the towns of Stilwater and Saratoga, in the county of Saratoga, and the town of Eastown in the county of Washington, and for settling and adjusting all the unsettled accounts of the said towns since the division of the said town of Saratoga, in such manner as shall appear just and equitable to the said commissioners, or to a majority of them.

And each town to support the poor alloted to it.

And be it further enacted, That each of the said towns shall after the said appointment, maintain such poor as shall be allotted to it by the said commissioners, or a majority of them.

The ballance due by either of said towns, on such adjustment of their said accounts how to be paid.

And be it further enacted, That if after the settlement of the accounts of the said towns as aforesaid, it shall be found that either of the above mentioned towns has not paid its proper proportion towards the maintenance of the poor, and that by reason of such deficiency any of the said towns has contributed more than its proportion, that then and in such case it shall be the duty of the supervisors of the county of Saratoga, if the balance shall be due by any of the towns in the county of Saratoga, and of the supervisors of the county of Washington, if the balance shall be found due by the town of Easton in such county, to cause to be raised, levied and collected, from the freeholders and inhabitants of the town by which the same shall be due, such sum or sums of money as the said commissioners, or a majority of them shall certify to be due from one town to another, and that the said sum or sums so collected as aforesaid, shall be paid to the overseers of the poor of the town specified in the certificate of the said commissioners, or a majority of them.

Said commissioners when and where to meet.

And be it further enacted, That the said Commissioners are hereby authorised and required, to meet on the second Tuesday of May next, at the house of Ezekiel Ensign, in the town of Stilwater, for the purposes aforesaid.

Time of meeting of the overseers of the poor of the town of Saratoga, Milton and Greenfield, for dividing the poor of said towns, prolonged.

And be it further enacted, That the time limited for the meeting of the overseers of the poor, and the Supervisors of the towns of Saratoga, Milton, and Greenfield, for the purpose of dividing the poor of the said towns of Milton and Saratoga, be and is hereby prolonged, until the third Tuesday of May next, and the overseers of the poor and Supervisors, are hereby required to meet at the house of Joel Reynolds, in the town of Greenfield aforesaid, for the above purpose.

CHAP. XV.

An ACT *to alter the bounds of the towns of Charlton and Ballston in the county of Saratoga.*

Passed the 5th of March, 1795.

Preamble.

WHEREAS it hath been represented to the legislature, that the present bounds of the towns of Charlton and Ballston, are inconvenient to the inhabitants residing in the said respective towns:—Therefore,

Bounds of the town of Charlton.

BE IT ENACTED *by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, the town of Charlton shall be bounded as follows, to wit: beginning at the south west corner of the town of Gallway, and running thence south along the east bounds of the county of Montgomery to the north bounds of the county of Albany, thence easterly along the north bounds of the county of Albany, until a north line as the needle now points will strike the south west corner of the tract of land commonly called the five mile square, thence northerly to the south west corner of the said five mile square, thence along the west bounds of the said five mile square, to the south bounds of the town of Milton, thence along the south bounds of the said towns of Milton and Gallway to the place of beginning.

CHAP. XVI.

An ACT *to divide the towns of Whitestown and Paris in the county of Herkemer.*

Passed the 5th of March, 1795.

BE IT ENACTED, *by the people of the State of New-York, represented in Senate and Assembly*, That from and after the first Monday in April, one thousand seven hundred and ninety five, all that

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Certain parts of the towns of Whiteſtown and Paris in Herkemer county, erected into a new town, by the name of Cazenovia.

part of the towns of Whiteſtown and Paris in the county of Herkemer, included in the following bounds, viz. beginning at the ſouth weſt corner of the ſaid county of Herkemer, and running thence along the ſouth bounds of ſaid county to the ſouth weſt corner of the townſhip number eight, being one of the twenty townſhips lately laid out and ſold by this State, thence north along the diviſion line between the townſhips of number ſeven and eight, five and ſix, one and two, thence in the ſame direction to Wood creek, thence weſterly along the ſaid Wood creek and the ſoutherly ſide of Oneida lake, to the eaſt boundary line of the county of Onondaga, thence ſoutherly along the eaſt boundary line of the ſaid county of Onondaga to the place of beginning, ſhall be and hereby is erected into a ſeparate town by the name Cazenovia, and the firſt town meeting of the ſaid town of Cazenovia ſhall be held at the dwelling houſe of John Linclaen in ſaid town.

First town meeting of ſaid town, where to be held.

Certain parts of ſaid town of Paris, erected into a new town, by the name of Hamilton and firſt town-meeting where to be held.

Certain other parts of ſaid town of Paris erected into a new town by the name of Sherburne, and firſt town meeting where to be held.

Certain other parts of ſaid town of Paris erected into a new town by the name of Brookfield, and firſt town meeting where to be held.

Certain other parts of ſaid town of Paris erected into a new town by the name of Sangerfield, and firſt town meeting where to be held.

And be it further enacted, That from and after the firſt Monday in April aforeſaid, all that part of the town of Paris aforeſaid, comprehending the ſecond, third, fourth and fifth townſhips, being a part of the twenty townſhips as ſurveyed and laid out by the ſurveyor general of this State, ſhall be and hereby is erected into a ſeparate town by the name of Hamilton, and that the firſt town meeting of the ſaid town of Hamilton, ſhall be held at the dwelling houſe of Eliſha Paine in ſaid town. And that all that part of the ſaid town of Paris, comprehending the eighth and ninth part of the ſaid twenty townſhips, as ſurveyed and laid out by the ſurveyor general aforeſaid, ſhall be and is hereby erected into a ſeparate town by the name of Sherburne, and that the firſt town meeting of the ſaid town of Sherburne, ſhall be held at the dwelling houſe of Timothy Hatch, in ſaid town. And that all that part of the ſaid town of Paris, comprehending a part of the ſeventeenth together with the eighteenth and nineteenth of the aforeſaid twenty townſhips, ſhall be and is hereby erected into a ſeparate town by the name of Brookfield, and that the firſt town meeting of the ſaid town of Brookfield, ſhall be held at the dwelling houſe of Daniel Brown in ſaid town. And that all that part of the ſaid town of Paris, comprehending the twentieth of the ſaid twenty townſhips, together with all that part of the ſaid town of Paris lying between the ſaid twentieth townſhip and the town of German-Flatts, and ſouth of a line running due eaſt from the north eaſt corner of the ſaid twentieth townſhip to the ſaid town of German-Flatts, ſhall be and hereby is erected into a ſeparate town by the name of Sangerfield, and that the firſt town meeting of the ſaid town of Sangerfield, ſhall be held at the dwelling houſe of Zera Phelps in ſaid town.

The remaining parts of Paris and Whiteſtown to retain their former names.

And be it further enacted, that the remaining parts of the reſpective towns of Paris and Whiteſtown, ſhall be and remain ſeparate and diſtinct towns by the names of Paris and Whiteſtown reſpectively.

Freeholders and inhabitants of all ſaid towns to elect town-officers, and have the ſame privileges as other towns in this ſtate.

And be it further enacted, That the freeholders and inhabitants of each of the reſpective towns hereby erected ſhall be and hereby are empowered to hold town meetings and elect ſuch town officers as the freeholders and inhabitants of any town in this State may do by law, and that the freeholders and inhabitants of each of the ſaid towns reſpectively and the town officers to be by them elected ſhall have the like powers and privileges, and be ſubject to the like regulations and penalties as the freeholders, inhabitants and town officers of the other towns in this State are entitled and ſubject to by law.

Supervifors of ſaid towns and overſeers of the poor to meet and apportion the poor among ſaid towns.

And be it further enacted, That as ſoon as may be after the firſt Tueſday of April next the ſupervifors and overſeers of the poor of the towns aforeſaid ſhall by notice to be given for that purpoſe by the ſupervifors of the towns aforeſaid, meet together and apportion the poor maintained by the ſaid towns previous to the diviſion thereof, between the ſaid former towns and the town erected into a ſeparate town in an equitable manner, and if the ſupervifors and overſeers of the poor cannot agree upon ſuch diviſion of the poor as aforeſaid, then and in ſuch caſe the ſupervifors of the county of Herkemer ſhall at their next meeting apportion and divide the poor maintained as aforeſaid in ſuch manner as ſhall appear to them moſt juſt and equitable, and the ſaid towns thereafter reſpectively ſhall maintain their own poor.

CHAP. XVII.

An ACT *to amend an act entitled an act relative to the Indians reſident within this State.*

Paſſed 5th of March, 1795.

Perſon adminiſtering the government of this ſtate, either by himſelf or agent to agree with the Indians of St. Regis, for extinguiſhing any claims they may have to lands within this ſtate.

BE it enacted *by the People of the State of New-York repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful for the perſon adminiſtering the government of this State, either by himſelf or by ſuch agent or agents as he ſhall thereunto appoint, to make ſuch agreement and arangements with the Indians of St. Regis, or with the repreſentatives of the ſaid Indians reſpecting their claims to any lands within this State or any part or parts thereof as ſhall tend to enſure their good will and friendſhip to the People of the United States, and to extinguiſh any and every ſuch claim, and in ſuch manner as he or ſuch agents ſo to be appointed may think proper, but no ſuch agreement or arangement by ſuch agents ſhall be valid unleſs ratified and confirmed by the perſon adminiſtering the government of this State, any thing in the act entitled "An act relative to the Indians reſident within this State," paſſed the 27th of March 1794, to the contrary hereof notwithſtanding.

But no agreement made by ſuch agent to be valid until ratified by the perſon adminiſtering the government.

CHAP. XVIII.

An ACT *allowing an annual ſalary to the Secretary of this State.*

Paſſed the 10th of March 1795.

Preamble.

WHEREAS it is deemed expedient that all permanent officers of government ſhould be ſupported and maintained in the ſame mode and upon the ſame principles, according to the magnitude of their truſt and importance.

Further preamble.

AND WHEREAS the Secretary's office is now ſupported and maintained by perquiſites, a mode different from the other permanent offices. Therefore

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BE it enacted *by the People of the State of New-York, represented in Senate and Assembly,* That from and after the first day of July next there shall be allowed and paid to the Secretary of this State in lieu of all perquisites and allowances whatever made to him by any former acts of the Legislature an annual salary at and after the rate of six hundred pounds, to be paid to him in quarterly payments, in like manner as the salaries of the several officers of government are directed to be paid in and by the act entitled "An act for the support of government," passed the eleventh day of April in the year of our Lord one thousand seven hundred and ninety two, and also the amount of the necessary expenses of his office, provided they do not exceed in any one year the sum of five hundred pounds, to be allowed in the same manner as the expenses of the office of the Treasurer of this State for the time being are directed to be allowed in and by the aforesaid act; and to be paid by the said Treasurer to the said Secretary; and in addition thereto the said Secretary shall be entitled to the use and occupation of the house now in his possession, the property of which is vested in the People of this State, in the same manner as he has heretofore used and possessed the same.

An annual salary of 600l. allowed to the secretary of this state in lieu of perquisites. To be paid in quarterly payments. And also the amount of the expences of his office.

And in addiion thereto the use and occupation of a certain house now in his possession.

And be it further enacted, That the said Secretary shall continue to receive all such fees as he is or shall from time to time be by law permitted to take and shall keep an account thereof, and shall exhibit such account quarterly to the Auditor of this State who having examined and filed the same in his office shall certify to the Treasurer the amount thereof and the said Secretary shall pay the same to the Treasurer. *Provided nevertheless* that no fee shall hereafter be charged or taken for any civil or military commission whatsoever.

Secretary to continue to receive the usual office fees, and to account for and pay the same into the treasury.

Proviso.

And WHEREAS the house now occupied by the Secretary of this State is out of repair. Therefore

Recital.

Be it further enacted, That there shall be paid by the Treasurer of this State out of any monies in the treasury not otherwise appropriated to the said Secretary a sum not exceeding three hundred pounds, to be by him expended in repairing said house in such manner as he shall think necessary for its preservation, and that he shall account for the same with the Auditor of this State.

Treasurer to pay the secretary 300l. for repairing the said house now in his possession.

CHAP. XIX.

An ACT *for dividing the town of Rensselaerville in the county of Albany.*

Passed the 17th of March 1795.

BE it enacted *by the People of the State of New-York, represented in Senate and Assembly,* That from and after the Monday preceding the first Tuesday of April next all that part of the town of Rensselaerville in the county of Albany, beginning at the north west corner of the manor of Rensselaerwyck and running thence along the west bounds of the said manor southerly to the north west corner of lot number three hundred and forty nine, then easterly along the tier of lots to the north east corner of lot number three hundred and seventy two, then northerly to the north east corner of lot number eight hundred and thirty two, then with a straight line till a course north twenty six degrees west intersects the Boza Kill, then along the said kill or creek north westerly as it runs to where the said manor line intersects the same, then westerly along the northerly bounds of said manor to the place of beginning shall be and hereby is erected into a separate town by the name of Bern; and that the first town meeting in the said town of Bern shall be held at the dwelling house of Johannis Fisher in the said town.

Ascertain part of the town of Rensselaerville in Albany county, erected into a new town by the name of Bern, and first town meeting where to be held.

And be it further enacted, That all the remaining part of the town of Rensselaer-ville, shall continue to be and remain a separate town by the name of Rensselaer-ville, and that the first town meeting in the said town, shall be held at the dwelling house of David Crocker, Esquire, in the said town.

And the remaining part of said town to retain its present name.

And be it further enacted, That the freeholders and inhabitants of the said towns respectively, shall be, and hereby are empowered, to hold town meetings and elect such town officers, and enjoy all the privileges that the freeholders and inhabitants of the other towns of this State may do by law.

Inhabitants of said towns to have the like privileges as other towns in this state.

And be it further enacted, That as soon as may be after the first Tuesday of April next, the Supervisors and overseers of the poor of the towns aforesaid shall, by notice to be given for that purpose, by the Supervisors of the towns aforesaid, meet together and apportion the poor maintained previous to the division thereof between the said towns, in an equitable manner, and if the Supervisors and overseers of the poor, cannot agree upon such division of the poor as aforesaid, then in such case, the Supervisors of the county of Albany, shall at their next meeting apportion and divide the poor maintained as aforesaid, in such manner as shall appear to them just and equitable, and the said towns thereafter respectively shall maintain their own poor.

Poor of said towns how to be apportioned.

CHAP. XX.

An ACT *to divide the town of Rensselaerwyck, in the county of Rensselaer.*

Passed the 17th of March, 1795.

BE it enacted, *by the people of the State of New-York, represented in Senate and Assembly,* That all that part of the town of Rensselaerwyck, bounded as follows; beginning at the south west corner of the town of Troy, and running thence easterly along the southern boundary line of the said town, to the western bounds of the town of Petersburgh, thence southerly along the western bounds of the towns of Petersburgh and Stephen town, six hundred and thirty two chains, thence south eighty six degrees and forty eight minutes, west as the needle now points unto Hudsons river, thence northerly along the said river, to the place of beginning, and including such of the Islands in the said river as are nearest the east side thereof, and are adjacent to the said last mentioned line, shall, from and after the first Monday in April next, be erected into a seperate town, by the name of Greenbush, and that the first town meeting in Greenbush shall be held at the dwelling house of David M. De Forest in the said town, and that all the remaining part of the town of Rensselaerwyck shall be, and remain a

Certain parts of the town of Rensselaerwyck erected into a new town by the name of Greenbush, and first town meeting where to be held.

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seperate town by the name of Schodack, and that the first town meeting in the town of Schodack shall be held at the dwelling house of John I. Miller in the said town.

The remaining parts of said town erected into a new town by the name of Shodac. Said towns to have the like privileges as other towns in this state.

And be it further enacted, That the freeholders and inhabitants of the said towns, respectively shall be, and hereby are empowered to hold town meetings, and elect such town officers, and enjoy all the privileges that the freeholders and inhabitants of the other towns of this State may do by law.

Poor of said towns how to be divided and apportioned

And be it further enacted, That as soon as may be after the first Tuesday of April next, the Supervisors and overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose, by the Supervisors of the said towns, meet together and apportion the poor maintained by the said town of Rensselaerwyck, previous to the division thereof, between the said town of Schodack, and the town of Greenbush, in an equitable manner, and if the Supervisors and overseers of the poor cannot agree upon such division of the poor as aforesaid, then and in such case the Supervisors of the county shall at their next meeting apportion and divide the poor maintained as aforesaid, in such manner as shall appear to them or a majority of them, just and equitable, and the said towns shall thereafter respectively maintain their own poor.

CHAP. XXI.

An ACT *to divide Fredericks-town and South east town in Dutchess county, into four towns.*

Passed 17th of March, 1795.

Certain parts of Fredericks-town in Dutchess county erected into a separate town, by the name of Carmel, and first town meeting where to be held.

Certain parts of said Fredericks-town and Southeast-town erected into a town by the name of South-east, and first town meeting where to be held.

Certain other parts of said towns of Fredericks-town and Southeast-town erected into a town by the name of Franklin, and first town meeting where to be held.

Remaining part of Fredericks-town to retain its present name.

And said towns to have the like privileges as other towns in this state.

Poor of said towns how to be divided and apportioned.

BE it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That all that part of Fredericks-town, lying west of the east line of Philips's long lot, and south of a line to begin at a point in the west bounds of Fredericks-town, six miles from the north bounds of the county of West-Chester, and running north eighty seven degrees, and thirty minutes east to the State of Connecticut, shall be erected into a seperate town, by the name of Carmel, and the first town meeting in the said town of Carmel, shall be held at the dwelling house of John Crane, Esquire, in said town. That all those parts of Fredericks-town and South-East town, lying east of the said east line, of Philips's long lot, and south of the above mentioned line, beginning at a point in the west bounds of said Fredericks-town, six miles from the north bounds of the county of West-Chester, and running north eighty seven degrees, and thirty minutes east, and continued to the state of Connecticut, shall be erected into a separate town, by the name of South-East, and the first town meeting in the said town of South-East, shall be held at the dwelling house of Zalman Sanford in the said town, that all those parts of Frederick's Town and South-East town, lying east of the said east line of Philips's long lot, and north of the above mentioned line, beginning at a point in the west bounds of said Fredericks-town, six miles from the north bounds of the county of West-Chester, and running north eighty-seven degrees, and thirty minutes east, and continued to the State of Connecticut, shall be erected into a separate town, by the name of Franklin, and the first town meeting in the said town of Franklin, shall be held at the dwelling house of James Philips, in the said town, and that all the remaining part of Fredericks-town, shall remain and continue a seperate town, by the name of Frederick, and the first town meeting in the said town of Frederick, shall be held at the dwelling house of the widow Boyd, in the said town.

And be it further enacted, That the towns herein before mentioned to be divided, shall be considered as divided from and after the first Monday in April next, and that the freeholders and inhabitants of the said towns, respectively shall be, and hereby are empowered to hold town meetings and elect such town officers as the freeholders and inhabitants of the other towns of this State, elect by a law, entitled, "An act for dividing the counties of this State into towns, passed 7th March 1788," and that the town officers to be by them elected, shall have the like powers and privileges, as the freeholders and inhabitants, and town officers of any other town in this State, may exercise by the law aforesaid.

And be it further enacted, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose by the supervisors of the towns aforesaid, meet together and apportion the poor maintained by the said towns previous to the division thereof, between the said former towns and the towns erected by this act into separate towns in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division of the poor as aforesaid, then and in such case the supervisors of the county, shall at their next meeting, apportion and divide the poor maintained as aforesaid, in such manner as shall appear to them most just and equitable, and the said towns shall thereafter respectively maintain their own poor.

CHAP. XXII.

An ACT *for erecting a part of the towns of Canaan and Kinderhook, in the county of Columbia, into a new town.*

Passed 17th of March, 1795.

Certain parts of the towns of Canaan and Kinderhook, in the county of Columbia, erected into a new town, by the name of Chatham.

BE it enacted *by the People of the State of New-York represented in Senate and Assembly*, That from and after the first Monday in April next, all those parts of the towns of Canaan and Kinderhook, in the county of Columbia, situate within the following bounds; beginning at a point where the southern boundary line of the county of Rensselaer intersects the Latches Vlackie creek, and running thence southerly through the middle of the said creek to the little lake, thence southerly in a direct line through the great fish lake to the Gardiner point, at the south end of said lake, thence southerly in a direct line to the bridge on the Kline Kill creek, a little east of the house of Cornelius Van Schaack, thence southerly along the said creek to the southernmost point of the great bend opposite the house formerly belonging to Myndert Vosburgh, deceased, thence southerly in a direct line towards the house of Harman Hoffman, until it intersects the northern boundary line of the town of Clavarack,

thence easterly along the northern boundary line of the town of Clavarack, unto the northeast corner thereof, thence easterly along the northern boundary line of the town of Hillsdale three miles, and from thence northerly in a direct line to the southern boundary line of the county of Rensselaer, to a point three miles east from the northeast corner of the present town of Kinderhook, thence westerly along the said southern boundary line of the county of Rensselaer to the place of beginning, shall be and the same is hereby erected into a new town by the name of Chatham.

First town meeting where to be held, and the town to have the like privileges as other towns in this state.

And be it further enacted, That the first town meeting in the said town shall be held at the house of Ebenezer Crocker. And that the freeholders and inhabitants of the said town, shall be and hereby are empowered to hold town meetings and elect such town officers as the freeholders and inhabitants of any town in this State may do by law, and that the freeholders and inhabitants of the said town and the town officers to be by them elected, shall have the like powers and privileges and be subject to the like regulations and penalties, as the freeholders and inhabitants and town officers of the other towns of this State are entitled and subject to by law.

Poor of said towns how to be divided and apportioned.

And be it further enacted, That the poor belonging to the said towns of Kinderhook and Canaan previous to this division, shall be divided among the said towns of Kinderhook, Canaan and Chatham, in proportion to the wealth of the inhabitants of the said towns respectively, to be estimated by the last annual tax lists, and the overseers of the poor and the supervisors of the said towns, or a majority of them, shall meet within ten days after the annual town meeting, for the year one thousand seven hundred and ninety five, at the dwelling house of Ebenezer Crocker, in the said town of Chatham, and make such division aforesaid; and the said towns respectively shall thereafter maintain their respective poor.

Certain expences of said town to be paid in the same manner as they would have been if this act had not been passed.

And be it further enacted, That the contingent charges and the expence of the towns, that have already arisen or shall arise before the first Monday in April next, shall be assessed, levied and paid in the same manner as if this act had not been passed.

Bounds assigned by this act not to affect titles.

And be it further enacted, That none of the bounds or lines by this act assigned for the limits of any or either of the said towns, shall be deemed to take away, abridge, destroy or affect the right or title of any person or persons, bodies politic or corporate in any manner or by any means whatsoever.

CHAP. XXIII.

An ACT *for adding an additonal term of the Court of Common Pleas for the County of Ontario, and for other purposes therein mentioned.*

Passed 17th of March, 1795.

Preamble.

WHEREAS in and by an act, entitled "An act to erect a part of the county of Montgomery into a separate county by the name of Ontario," it is enacted, that there shall be held in and for the said county a court of general sessions of the peace, and a court of common pleas at such suitable and convenient place within the said county, as such judges of the court of common pleas and such justices of the court of sessions, as shall be appointed for the said county, or a majority of them may direct. *And also*, that there shall be two terms of the said courts held in and for the said county.

Preamble.

And whereas, it is found that two terms of the court of common pleas are not sufficient for dispatching the business of the said county:—Therefore,

Additional term given to the court of common pleas in Ontario county.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That there shall be an additional term of the court of common pleas held in and for the county of Ontario, on the third Tuesday in February in every year, and that the said court may continue and be held until the next Saturday following inclusive, provided that the said court may adjourn previous to the time limited for the termination thereof, if the business of the said court will permit.

Preamble.

And whereas it is represented to the legislature, that the inhabitants of the said county have built a court house in the town of Canadaquai, for the holding of the courts of the said county:—Therefore,

Courts, where to be held in said county.

Be it further enacted, That the said courts of general sessions of the peace and courts of common pleas hereafter to be held in and for the said county of Ontario shall be held at the said court house in the town of Canadaquai aforesaid, and that all writs and other process already issued or to be issued previous to the first Tuesday in June next and returnable on the said first Tuesday in June in the said court be returned at the said court-house in the town of Canadaquai as aforesaid, and that no proceedings of the said court shall be affected or discontinued by the removal of the said courts from the place where the same are now held to the court house aforesaid.

CHAP. XXIV.

An ACT *declaring the place from which mileage fees in the county of Tioga shall be computed.*

Passed 17th of March, 1795.

Tioga Sheriff's mileage fees.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That the Sheriff of the county of Tioga shall from and after the first day of May next compute and receive mileage fees from the bridge commonly called the Nanticoke bridge in the town of Union in the said county of Tioga, and from no other place.

CHAP. XXV.

An ACT *for relief of the Protestant Episcopal Church in the State of New-York.*

Passed the 17th March 1795.

Preamble.

WHEREAS the Protestant Episcopal Church in this State, by the petition of the standing committee of its convention, hath represented that the act entitled "An act to enable all the

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Respecting difficulties to which the protestant episcopal chuch is exposed.

religious denominations in this State to appoint trustees who shall be a body corporate for the purpose of taking care of the temporalities of their respective congregations, and for other purposes therein mentioned," passed 6th April 1784, directs a mode of incorporation which exposes it to a variety of difficulties, leaving the congregations not incorporated by charter to the alternative of foregoing the benefit of incorporation, or submitting to an entire alteration and subversion of the usual and peculiar government of the respective congregations of said church: For remedy whereof

Male adults of any protestant episcopal congregration,

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly,* That from and after the passing of this act it shall and may be lawful to and for the male adult persons of any congregation or church in communion of the Protestant Episcopal Church in the State of New-York at any time to meet for the purpose of incorporating themselves under this act, and for that purpose by a majority of voices to elect and choose two church wardens and eight vestry men, and also to determine on

How to chuse church officers, when and how many.

what day in the week called Easter-week, the said offices of church wardens and vestry-men shall yearly for ever thereafter cease and their successors in office be elected and chosen, and also what shall be the name stile or title by which their church or congregation shall thereafter be known and recognized by law, and notice shall be given in the time of morning service on two Sundays previous to said election by the rector or any other person, and that the rector, if there be one, or if the church or congregation have no rector, or he be necessarily absent, then one of the church-wardens or vestry-men or trustees, or any other person called to the Chair, shall preside at such first election, and together with two other persons shall make a certificate under their hands and seals, of the church wardens, and vestrymen, so elected of the day of easter week, so fixed on for the yearly election of their successors, and of

Certificate of the choice of church officers, & the church's name, how to be made.

the name stile or title, by which the said Church or Congregation shall be in law, recognized and known, which certificate after having been duly proven or acknowledged, by the persons making the same, before one of the Judges of the Court of Common Pleas in the county, shall be forthwith left at the office of the clerk of the county for the time being, to be by him recorded in the book, kept by him for the records of the incorporation of religious denominations, as ordered by the act for that purpose, passed 6th April, 1784, for which service a fee of six shillings may be taken, and no more.

Said certificate, proved or acknowledged, to be recorded in the county clerk's office.
The clerk's fee 6s.

The chuch vestry to be a body corporate.

And be it further enacted, That the Church wardens and Vestrymen, and their successors, so elected and chosen, from year to year, shall of themselves, but if they have a rector, then together with the rector, shall form a vestry, which vestry shall be to all intents and purposes, a body corporate and enjoy and exercise all the powers, rights and privileges granted to the trustees, by the fourth, fifth and sixth sections of the act, entitled, "An act to enable all the religious denominations in this State, to appoint trustees who shall be a body corporate for the purpose of taking care of the temporalities of their respective congregations, and for other purposes therein mentioned," but no board of vestry shall be competent to transact any business, unless the rector for the time being, if the church or congregation has one, and at least one of the Church wardens, and a majority of the Vestrymen be present.

Who are to constitute a board of vestry

How vacancies in the vestry are to be supplied.

And be it further enacted, That whenever there shall be any vacancy or vacancies in the said vestry, by death or otherwise, notice shall be given in the time of divine service, at least ten days before the day of election, which the vestry shall have appointed, for supplying the said vacancy or vacancies, and such election, and also the stated annual elections in easter week, shall be holden immediately after morning service, and at all such elections the rector or in want or absence of the rector, one of the church wardens or Vestrymen shall preside, and receive the votes of the electors, and be the returning officer, and shall enter the proceedings in the book of minutes of the vestry, and sign his name thereto, and offer the said proceedings to as many of the electors present, as he thinks fit to be by them signed and certified.

Qualification of electors.

And be it further enacted, That the persons qualified to vote at all such elections, shall be all such male adult persons, as shall have belonged to such church or congregation, for the last twelve months, at least preceding such election. *Provided always,* that they shall have been baptized in the Episcopal Church, or shall have been received into the said Church, either by the right of confirmation, or by receiving the holy communion, or by purchasing or hireing a pew or seat in such Church, or by some other joint act of the parties, and of the rector, whereby they shall have attached themselves to the protestant Episcopal Church.

Wardens and vestrymen annually chosen, to hold their offices till others are chosen in their places.

And be it further enacted, That the Church wardens and Vestrymen, to be annually elected by virtue of this act, shall hold their offices from the time of their election, for one year, and until others shall be duly chosen in their respective places, and that every Church warden and Vestryman chosen to fill any vacancy, happening between the annual elections, shall hold his office from the time of his election, until the next annual election, and until another shall be chosen in his place.

Board of vestry to be held on 3 days' notice.
Who are to preside at such board.

And be it further enacted, That no board of vestry shall be holden, unless after three days notice under the hand of the rector, or any one of the Church wardens, and at all such meetings of the vestry, the rector shall preside and have the casting vote, or in case the church or congregation have no rector, then the church warden present, or if both the church wardens be present, then the church warden who shall be called to the chair by a majority of voices.

Church wardens and vestry empowered to call and induct a rector.

And be it further enacted, That the church wardens and vestrymen for the time being, of every such congregation, or a majority of them, shall be and hereby are vested with full power to call and induct a Rector to the church, when and as often as there shall be any vacancy therein.

Certain sections of an act, as binding on vestries as on trustees

And be it further enacted, That the twelfth and thirteenth sections of the before mentioned act, passed April 6th, 1784, shall be as binding on the vestries of the respective churches or congregations incorporated by this act, as upon the trustees incorporated by it.

Rights of conscience secured.

And be it further enacted, That nothing in this act contained, shall be construed, adjudged or taken to abridge or affect the rights of conscience or private judgment, or in the least to alter or change or interfere with the religious constitutions or governments of any churches or congregations whatsoever, so far as respects or in any wise concerns their doctrine, discipline or worship.

CHAP. XXVI.

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An ACT *to raise a sum of money, for defraying the expense incurred in building the Court-House and Gaol in the county of Herkemer.* Passed the 24th of March, 1795.

Preamble.

WHEREAS the supervisors of the county of Herkemer, have by their petition requested the legislature to pass a law to enable the supervisors of said county, to raise and levy on the freeholders and inhabitants of the said county, a further sum of money for the purpose of defraying the expenses which have already accrued in the building of the court-house and gaol of said county:— Therefore,

How a further sum may be raised for defraying expences incurred in building the court-house and gaol in Herkemer county.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful to and for the supervisors of the county of Herkemer, or a majority of them, to meet at the court house in said county on the last Tuesday in May next, or within thirty days thereafter, and examine and ascertain what sum of money has been already expended in purchasing materials for and towards building the court house and gaol in said county, by the commissioners heretofore appointed for that purpose, and if upon examination of the accounts of said commissioners relative to the said court house and gaol, it shall appear to the supervisors or a majority of them, that more money has already been actually expended by the said commissioners towards the object aforesaid, than the sum heretofore directed by law to be raised by tax on said county, then the said supervisors shall audit and allow the ballance on the accounts of said commissioners, and shall order to be raised by further tax on said county, in like manner as other contingent charges are raised, a sufficient sum to discharge the ballances so found due, with the addition of ninepence on the pound for collecting the same, and the further sum of three pence in the pound hereafter allowed to the treasurer of the said county, and the said supervisors are required to issue their warrants for that purpose, requiring the several collectors to collect and pay the same to the treasurer of said county, on or before the first day of October next, which money so raised and collected shall be paid by the said county treasurer to the said commissioners or to their order.

Collector's fees,

Treasurer's fees.

Monies raised, to be paid by the treasurer to the commissioners.

And be it further enacted, That it shall be lawful for the treasurer of said county, to retain in his own hands the sum of three pence in the pound for his trouble in receiving and paying out the monies directed to be raised by this act.

His poundage.

CHAP. XXVII.

An act concerning Sheriffs. Passed the 24th of March, 1795.

Preamble.

WHEREAS, by the constitution of this State, it is ordained, that Sheriffs and coroners be annually appointed, and that no person shall be capable of holding either of the said offices, more than four years successively, nor the Sheriff of holding any other office at the same time, and that where the duration of any office is not ascertained by the constitution, such office shall be construed to be held during the pleasure of the council of appointment; and whereas it has frequently happened, that the Sheriff of a county has not been re-appointed, nor any new Sheriff appointed, until long after the expiration of a year, from the time of the next preceding appointment of such Sheriff: And whereas the practice for such Sheriff to continue in the execution of his office, beyond the time limited by the constitution to do and execute all the duties thereof, until a new Sheriff was appointed, commissioned and qualified, has been drawn into question, in order therefore to prevent any mischief that may arise,

Sheriffs continuance in office.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby declared by the authority of the same,* That it is, and shall be lawful for every Sheriff in this State, who now is, or hereafter shall be appointed and commissioned as Sheriff, and has taken or shall take upon himself the said office, to continue in and to do, execute and perform all the duties of the said office, until a new Sheriff shall be appointed and commissioned in his place, and shall have delivered to him a writ of discharge, if he shall be found in the county, and if not, shall have filed the same in the office of the clerk of the county, but it shall nevertheless be the duty of the person administering the government of the State, for the time being, by and with the advice and consent of the Council of Appointment, annually to appoint Sheriffs and Coroners according to the constitution of this State.

Form of sheriff's commissions.

And be it further enacted by the authority aforesaid, That all commissions to Sheriffs shall be in this form to wit, "The people of the State of New-York, to all to whom these presents shall come greeting: Know ye, that we have committed to our well beloved A. B. our county of W. or our city and county of N. as the case may be with the appurtenances, to keep during the pleasure of our Council of Appointment. In testimony whereof, we have caused these our letters to be made patent, and the great seal of our State, to be hereunto affixed," and shall be tested or witnessed in the usual form, and that the writ of discharge shall be issued at the same time, and be delivered to the new Sheriff, with his commission, and shall be in the form following to wit, "The people of the State of New-York, to all to whom these presents shall come greeting: Whereas we have committed to our well beloved A. B. "our county of W," or our city and county of N." as the case may be, with the appurtenances to keep during the pleasure of our council of appointment, therefore we command C. D." late Sheriff of the county aforesaid, or of the city and county aforesaid, (as the case may be) that by indenture thereof, in due manner to be made, he deliver to the same A. B. the county aforesaid, or city and county aforesaid, as the case may be, with the appurtenances, together with the rolls, writs, memorandums, and all other things touching that office, which are in his custody to keep in form aforesaid," and such writ of discharge shall be tested in the same manner as the said commission is tested and be sealed with the great seal of this State.

The form of writs of discharge, delivered with commissions to new sheriffs.

And be it further enacted, by the authority aforesaid, that the Sheriff of each respective county, in

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Under ſheriffs to be appointed by ſheriffs of the counties, &c. On the death of the ſheriff, the office to be executed by the under ſheriff, and how, and how long. Directions, in caſes of default, &c. of ſuch under ſheriffs.

this State ſhall, as ſoon as may be, after he takes upon himſelf that office, by writing under his hand and ſeal, make ſome proper perſon under Sheriff of the ſame county, during the pleaſure of ſuch Sheriff, and as often as any ſuch under ſheriff ſhall die or be removed from his office, or move out of the county, or become incapable of executing the office, another ſhall be appointed in his place in the manner aforeſaid, and every ſuch deputation or appointment, ſhall be recorded in the office of the clerk of the county, and in caſe of the death of the Sheriff of any county, the under ſheriff of the ſame county for the time being, ſhall in all things execute the office of Sheriff of the ſame county, in the name of the deceaſed Sheriff, until another Sheriff ſhall be appointed and commiſſioned, and ſhall take upon himſelf the ſaid office, and the defaults and misfeaſances in office of ſuch under ſheriff in the mean time, as well as before, ſhall be adjudged a breach of the condition of the bond or ſecurity, given by the Sheriff who appointed him, and the executors or adminiſtrators of the deceaſed Sheriff, ſhall have the like remedy for the defaults and misfeaſances in office of ſuch under ſheriff, happening during ſuch interval, as ſuch Sheriff would have been intitled to, if he had lived and continued in the exerciſe of the office, until his ſucceſſor was appointed and commiſſioned, and had taken upon himſelf the ſaid office; and in caſe there ſhould be no ſuch under Sheriff of any county, at the time of the death of the Sheriff of any county, or if ſuch under Sheriff ſhould die, or move out of the county, or become incapable of executing the office, before another Sheriff of the ſame county, ſhall be appointed and commiſſioned, and have taken upon himſelf the ſaid office, then and in every ſuch caſe, the coroner, or coroners, if there ſhall be more than one, in ſuch county, ſhall in all things execute the office of Sheriff of the ſame county, until a Sheriff thereof ſhall be appointed and commiſſioned, and ſhall take upon himſelf the ſaid office, and in every caſe of the death of a Sheriff, the writ of diſcharge ſhall be delivered by the new Sheriff to the under Sheriff of the ſame county, if there be any, and if not, then to one of the coroners of the ſame county, or filed in the office of the clerk of the ſame county, and the new ſheriff ſhall in all caſes be conſidered as ſheriff of the ſame county from the time of ſuch delivery or filing the writ of diſcharge as aforeſaid and not before. *Provided always,*

Wh^en the coroner or coroners are to execute the Sheriff's office.

When the writ of diſcharge is to be delivered to the under ſheriff or coroner, or into the clerk's office.

Commencement of the new ſheriffs office.

And be it further enacted by the authority aforeſaid, That nothing in this act contained ſhall be conſtrued to prevent any ſheriff from appointing ſuch and ſo many deputies as he may think proper, beſides the under ſheriff. And further that no perſon who may at any time be authorized or deputed by any ſheriff to do a particular act only, ſhall be obliged on that account to take the oath required to be taken by the deputies of ſheriffs by the act entitled "An act requiring all perſons holding offices or places under the government of this State to take the oaths therein mentioned."

Sheriffs may appoint deputies, beſides the under ſheriff.

CHAP. XXVIII.

An ACT *for the better extinguiſhing Fires in the town of Brooklyn in Kings county.*

Paſſed the 24th of March, 1795.

Firemen, how, when and where to be choſen, for Brooklyn.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That it ſhall and may be lawful for the freeholders and inhabitants of the town of Brooklyn in Kings county, having a right to vote at town meetings and reſiding near the ferry, within a line to begin at the eaſt river oppoſite to and to be drawn up the road that leads from the ſtill houſe, late the property of Philip Livingſton, deceaſed, and including the ſame ſtill houſe and the other buildings on the ſouth ſide of the ſame road, to and acroſs the road leading from Bedford ſouth of the houſe of John B. Johnſon, and from thence northeaſterly, including all the houſes on the eaſt ſide of the road laſt mentioned, to and including the houſe and mills of John Jackſon at the eaſt river aforeſaid, and from thence down the eaſt river to the place of beginning, to aſſemble together on the ſecond Tueſday in May next at the public ſchool houſe in the ſaid diſtrict, and on every ſecond Tueſday in May in every year thereafter, at ſuch place as ſhall be agreed on by a majority of votes at their laſt meeting, and then and there by a majority of the votes of thoſe ſo met and having a right to vote, chooſe ſo many able bodied and diſcreet men reſiding within the limits aforeſaid, as a majority of thoſe ſo met ſhall think proper, not exceeding thirty in the whole, to have the cuſtody care and management of the fire engine or engines, and the other tools and inſtruments for extinguiſhing fires within the limits aforeſaid, and all or any of the perſons ſo by them to be choſen from time to time at any ſuch meeting, to remove or diſplace, and any other perſon or perſons in his or their place and ſtead to chooſe as aforeſaid, and that the perſons ſo to be choſen ſhall be called "The Firemen of Brooklyn," and ſhall be ready at all times, as well by night as by day, to manage, work and exerciſe the ſame fire-engine or engines and the other tools or inſtruments aforeſaid, and ſhall be ſubject to ſuch rules, orders and regulations as the freeholders and inhabitants reſiding within the ſaid diſtrict and having a right to vote as aforeſaid, ſhall at ſuch meeting from time to time, make and eſtabliſh for the better government of the ſaid firemen, and likewiſe at every ſuch meeting to chooſe in manner aforeſaid, a proper perſon reſiding within the ſaid diſtrict to be their clerk whoſe duty it ſhall be to enter all the names of ſuch perſons choſen firemen as aforeſaid, in a book to be by him provided and kept for that purpoſe, and to make an entry of all the proceedings in the ſaid book at every ſuch meeting; and likewiſe that a majority of the freeholders and inhabitants at their meetings as aforeſaid, are hereby empowered to direct and require the inhabitants and owners of houſes, to provide themſelves with ſuch and ſo many fire-buckets to be ready in their reſpective houſes, for the purpoſe of extinguiſhing fires which may happen in the ſaid diſtrict, and to impoſe ſuch reaſonable fines and penalties for every neglect, default or diſobedience of ſuch rules and regulations, or deficiency of buckets as a majority of the ſaid freeholders at their ſaid meetings as aforeſaid ſhall think proper; which fines, penalties and forfeitures ſhall be recovered before any juſtice of the peace in and for the ſaid county, by the ſaid clerk, in an action of debt with coſts, in his own name, and when recovered ſhall be applied towards keeping in repair the ſaid fire engines and tools thereunto belonging.

Firemen's duty.

A clerk to be appointed.
His duty.

Fire-buckets, Delinquents, how puniſhed.

And be it further enacted by the authority aforesaid, That every person so to be chosen a fireman as aforesaid, shall be and is hereby declared to be during his continuing as a fireman, and no longer, exempted and privileged from serving in the office of overseer of the highways or constable, and from being empaneled on any jury or inquest, and from militia duty, except in cases of invasion or other imminent danger, and a certificate from the clerk aforesaid, shall be sufficient evidence of such privilege and exemption.

Firemen's privileges

Exception in certain cases.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the freeholders and inhabitants of the said town of Brooklyn residing within the limits aforesaid, or a majority of them, so entitled to vote as aforesaid, at any such meeting to direct such sum or sums of money as they shall deem necessary and proper for repairing the fire engines and other instruments for extinguishing fires now provided, or hereafter to be provided within the said district to be raised levied and collected from the freeholders and inhabitants residing within the said district at the same time and in the same manner as the monies for the maintenance of the poor within the town of Brooklyn are by law directed to be raised and collected, and agreeable to the assessors tax-list in the said town for the time being, and the said monies when collected to be paid into the hands of the said clerk to be by him paid and applied for the purposes aforesaid, at such time and in such manner as the major part of such firemen shall from time to time direct and appoint.

How fire-engines are to be repaired.

And be it further enacted by the authority aforesaid, That the act passed the fifteenth day of March, 1788, entitled "An act for the better extinguishing fires in the town of Brooklyn in Kings county," shall from and after the passing of this act be and the same is hereby repealed.

A certain act of 15th March, 1788, repealed.

CHAP. XXIX.

An ACT *concerning the legacy bequeathed by David Jones for the benefit of a charity school.*

Passed the 24th of March 1795.

Preamble.
Reciting the mode in which David Jones bequeathed 300l. for the benefit of poor children.
And why his intentions have not been carried into effect.

WHEREAS David Jones late of Fort Neck in Queens county, deceased, in and by his last will and testament did give and bequeath unto the charge and care of the church wardens of the parish of Hempstead in Queens county aforesaid for the time being, and to the charge and care of their successors for ever annually chosen by virtue of the act entitled "An act for settling a ministry and raising a maintenance for them in the city of New-York, county of Richmond Westchester and Queens county, the sum of three hundred pounds current money of New-York, to be lent out on interest on good land security, and the said interest annually applied forever in the education and instruction of such poor children belonging to the town of Oysterbay as the said Church wardens for the time being shall deem proper objects of charity, the said church wardens once in every year on the first Tuesday in May to deliver unto the vestry of the parish of Hempstead annually elected by virtue of the said act, a just true and circumstantial account on oath of all their proceedings in relation to the disposition and application of the said interest money, and how and to whom the principal sums are lent, and to take the directions of the said vestry with respect to their further proceedings therein. And although the executors of the said last will and testament or some or one of them offered to pay the said legacy yet no person applied for payment thereof, and the same remains unpaid: And whereas the said executors are dead, and administration of the goods chattels and credits which were of the said David Jones at the time of his death not administered by his executors, has been committed with his said will annexed unto Samuel Jones and Samuel Clows, who it is suggested will probably soon have assets in their hands sufficient to pay the said sum of three hundred pounds, but the act mentioned in the said bequest having been repealed, there is not any person authorized to receive the same: In order therefore that the intentions of the testator may be carried into execution,

BE **it enacted** *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the said administrators to pay the said three hundred pounds to the overseers of the poor of the said town of Oysterbay for the time being or either of them, whose receipt for the same shall be a sufficient discharge to the said administrators for the said legacy. And the said overseers of the poor of the said town of Oysterbay and their succcessors are hereby directed and required to lend out the said sum of three hundred pounds at interest on good land security, and to apply the said interest annually for ever in the education and instruction of such poor children belonging to the said town of Oysterbay as the said overseers of the poor of the said town of Oysterbay for the time being shall deem proper objects of charity; and once in every year on the last Tuesday in March in every year to deliver to the town clerk and supervisor for the time being of the said town of Oysterbay and such justice or justices of the peace as may reside in the said town of Oysterbay, or such of them as shall then meet to examine and audit the accounts of the overseers of the poor of the said town of Oysterbay, a just true and circumstantial account on oath of all their proceedings in relation to the disposition and application of the said interest money, and how and to whom the principal sums are lent. And the said town-clerk, supervisor and justice or justices shall make a report thereof to the then next town meeting to be held in the said town of Oysterbay; and the said town meeting may give such directions with respect to the further proceedings of the said overseers therein as the major part of the freeholders and inhabitants of the said town then met may deem proper or necessary.

How the said legacy of 300l. is to be disposed of now to fulfil the testator's intentions.

CHAP. XXX.

An ACT *for the relief of Nathaniel Mallory and others.*

Passed the 24th of March 1795.

Preamble.
Reciting 35 petitioners.

WHEREAS Nathaniel Mallory, David Ward, Daniel Ray, Newill Reynolds, Elias Wilson, Cyrus Wilson, Nathan Warren, Leonard Owen, Charles Owen, David Clemons, Jonas Gibbs,

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junior, Joel Clemons, John Gibbs, John Young, Edward Everit, Thaddeus Owen, Moſley Wood, Theophilus Clark, Nathan Ford, Uriah Hancock, Daniel Hamblin, Larned Lamb, Jabiſh Warren, Zaccheus Mallory, John Pray, Juſtin Narremore, John Blanchard, Iſaac Finch junior, James Finch, Zaccheus Palmer, Zephaniah Palmer, David Mallory, Ebenezer Ward, Robert Everit and Nathan Baldwin, have by their petition repreſented to the Legiſlature that ſome of them are now living on, and others of them have lately begun to make improvements on, lands belonging to the People of this State in the county of Clinton under promiſes from ſundry perſons to lay locations on the ſaid lands, but who have ſince laid them on other lands, ſo that without legiſlative relief they muſt loſe their improvements, therefore

Lands to be granted to ſurveyor-general, in truſt, for ſaid petitioners.

BE **it enacted** *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That it ſhall and may be lawful for the commiſſioners of the Land-office to cauſe to be ſurveyed and laid out for the ſaid petitioners one entire tract as near in a ſquare as local circumſtances will admit of not leſs than ſeven thouſand, nor more than ten thouſand acres of the vacant and unappropriated land belonging to the People of this State ſo as to include their preſent improvements, and ſhall cauſe letters patent under the great ſeal of this State to be iſſued for the ſame to the Surveyor General of this State and his heirs in truſt for the petitioners and their heirs; and that

Mode of dividing the lands among the petitioners.

the Surveyor General ſhall cauſe the ſaid tract to be divided among the ſaid petitioners, allotting to each of them an equal quantity as nearly as may be, and ſo as to include his own improvements; and

Conditions on which each is to have his ſhare conveyed to him by the ſurveyor general.

upon either of the petitioners paying to the Surveyor General ſix ſhillings for each acre of the land ſo allotted to ſuch petitioner, together with an equal proportion of the expence of ſuch ſurveying and dividing the ſaid tract, and of ſuing out the ſaid letters patent and the whole expence of the conveyance to be made to him, the Surveyor General ſhall execute and deliver a conveyance of the ſaid land ſo allotted to ſuch petitioner, to him and his heirs and aſſigns for ever: But if any or either of them incline

Said petitioners may mortgage to the ſurveyor-general.

to mortgage their ſaid land to ſecure the payment of the price of the land and the ſaid expences, the ſaid Surveyor General ſhall, upon executing every ſuch conveyance to every ſuch perſon, take a mortgage of the ſame land from ſuch perſon in the form herein after preſcribed to ſecure the payment of the ſaid money, including alſo the expence of ſuch mortgage, and of proving and regiſtering the ſame, and ſhall cauſe every ſuch mortgage to be proved or acknowledged and regiſtered according to law, and then deliver the ſame to the Treaſurer of this State.

Mortgages to be delivered to the treaſurer.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the Treaſurer of this State and he is hereby directed to pay to the Surveyor General a ſum not exceeding one hundred pounds to enable him to execute and perform the duties required of him by this act.

Advance of money to the ſurveyor-general.

And be it further enacted by the authority aforeſaid, That the mortgages to be taken by virtue of this act ſhall be in the following form, that is to ſay: "This Indenture made the day of

Form of ſaid mortgages.

" in the year of our Lord one thouſand ſeven hundred and ninety Between of
" of the firſt part, and the People of the State of New York of the ſecond part, Witneſſeth that the
" ſaid for and in conſideration of the ſum of to him in hand paid for and
" in behalf of the People of the State of New York the receipt whereof is hereby acknowledged, hath
" granted bargained ſold releaſed and confirmed, and by theſe preſents doth grant bargain ſell releaſe
" and confirm unto the People of the State of New York, All that
" together with all manner of improvements, hereditaments and appurtenances to the ſame belonging
" or in any wiſe appertaining, and all the eſtate right title intereſt claim and demand whatſoever of the
" ſaid of in and to the ſaid premiſes, and of in and to every part thereof: To have and
" to hold all and ſingular the ſaid premiſes hereby intended to be conveyed and every part thereof with
" the appurtenances unto the People of the State of New York for ever: Provided always that if the
" ſaid executors adminiſtrators or aſſigns ſhall pay or cauſe to be paid unto the Trea-
" ſurer of this State for the time being for the uſe of the People of this State the intereſt of the ſaid
" ſum of at the rate of ſix pounds per cent per annum on the firſt Tueſday of July yearly
" and every year, and the ſaid principal ſum of with all the intereſt then due for the
" ſame, when the ſame ſhall be demanded by the Treaſurer of this State for the time being, for and in
" behalf of the People of this State, at any time after the firſt Tueſday in July which will be in the
" year of our Lord one thouſand eight hundred and five, then the above grant bargain and ſale, and
" every article and clauſe thereof ſhall be void: But if failure be made in any of the payments above
" mentioned, then the above bargain and ſale is to remain in full force and virtue, and the ſaid
" for heirs and aſſigns hereby agrees to be abſolutely barred of and from all
" equity of redemption of the premiſes after the expiration of one year after ſuch failure, and the ſaid
" for heirs executors and adminiſtrators hereby covenant
" grant and agree to and with the People of the State of New-York that the ſaid
" heirs executors or adminiſtrators, ſhall and will well and truly pay the intereſt of the ſaid ſum of
" at the rate aforeſaid, annually, on the firſt Tueſday of July in every year, and the ſaid
" principal ſum of with all the intereſt then due thereon when demanded as aforeſaid
" after the firſt Tueſday in July which will be in the year of our Lord one thouſand eight hundred and
" five, according to the proviſo or condition aforeſaid: In Witneſs whereof the ſaid
" hath hereunto ſet hand and ſeal the day and year firſt above written." Which ſaid mortgages ſhall be good and effectual in the law and ſhall be preferred to all other charges and incumbrances whatſoever on the ſaid lands ſo mortgaged, made or ſuffered, or to be made or ſuffered by ſuch mortgagor.

Surveyor-general to account with the auditor, &c.

And be it further enacted by the authority aforeſaid, That the Surveyor General ſhall from time to time account with the Auditor of this State for the monies he ſhall receive and pay in purſuance of this act, and pay the ballance to the Treaſurer of this State.

CHAP. XXXI.

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An ACT *to enable John B. Coles to raiſe a Dam acroſs Haerlem River, and to amend an act entitled, An act for building a Bridge acroſs Haerlem River.*

Paſſed the 24th of March, 1795.

Preamble. Reſpecting Lewis Morris's right to build a bridge acroſs Haerlem-river.

WHEREAS in and by an act, entitled "An act for building a bridge acroſs Haerlem river," paſſed March 31ſt, 1790, Lewis Morris, his heirs and aſſigns were authorized at his and their own expenſe, to build a bridge acroſs Haerlem river, agreeably to the directions and dimenſions therein ſpecified, and for the term of ſixty years, to aſk demand and take for the uſe of the ſaid bridge a toll not exceeding the rates in the ſaid act mentioned.

John B. Coles now poſſeſſed of ſaid right.

And whereas the ſaid Lewis Morris hath aſſigned his right to build the ſaid bridge, and propoſals have been made by John B. Coles, to the aſſignees of the ſaid Lewis Morris to raiſe a dam of ſtone for the purpoſe of erecting mills thereon, and to be the foundation of the bridge aforeſaid:—Therefore,

A dam acroſs ſaid river, where to be made, its materials, and uſes.

BE **it enacted** *by the People of the State of New-York repreſented in Senate and Aſſembly*, That John B. Coles, his heirs and aſſigns, ſhall be and he and they are hereby authorized to build a dam acroſs Haerlem river, at ſuch place as is or ſhall be determined on by the aſſignees of the ſaid Lewis Morris, in purſuance of the act above recited, and ſuch dam ſhall be made of ſtone, and ſhall be ſo conſtructed as to be the foundation of the bridge aforeſaid, and for collecting the water of the ſaid river for the uſe of griſt and other mills.

A lock for boats to paſs through.

And be it further enacted, That the ſaid John B. Coles, his heirs or aſſigns, at his and their own expenſe, ſhall make and keep in repair a lock, and ſhall provide and keep a ſufficient perſon to attend the ſame, that no unneceſſary delay may happen to thoſe who may have occaſion to paſs through the ſaid lock with boats; That the width of the ſaid lock be eight feet, and ſo conſtructed as that a veſſel drawing two feet of water may at low water enter ſuch lock, and that the length be forty feet.

Its conſtruction.

Certain damages ſuſtained, how determined and paid for

And be it further enacted, That all perſons whoſe meadows and ſedges may be injured, damaged or deſtroyed by the waters ſo ponded up as aforeſaid, ſhall be paid the amount of the damages he ſhe or they may ſo ſuſtain, in the manner following: the amount of the damages that ſo as aforeſaid ſhall be ſuſtained, ſhall be determined, ſet and appraiſed by two juſtices of the peace and by the oaths of twelve freeholders not having any intereſt in the premiſes, and the ſaid freeholders ſhall be ſummoned by a conſtable of the town or ward in which ſuch damages ſhall have been ſuſtained, by virtue of a warrant to be iſſued by the ſaid two juſtices of the peace for that purpoſe, on the application of any perſon ſuſtaining damages as aforeſaid, the whole of the ſaid damages, together with the charges of the ſaid juſtices and jury, and of the whole proceedings thereon had, if any damages ſhall be found ſhall be paid by the ſaid John B. Coles, his heirs or aſſigns, within thirty days after notice to him or them given of the inquiſition ſo taken as aforeſaid.

Penalty on neglecting to keep the lock in repair.

And be it further enacted, That in caſe the ſaid John B. Coles, his heirs or aſſigns, ſhall neglect to keep the ſaid lock in ſufficient repair, or to furniſh ſuch attendance thereat, as to prevent the free paſſage of boats, he or they ſhall for every ſuch neglect forfeit the ſum of two pounds to be recovered with coſts of ſuit before any juſtice of the peace by any perſon who will proſecute for the ſame.

How recovered.

Width of ſaid bridge

And be it further enacted, That the width of the ſaid bridge, ſhall not be leſs than twenty four feet, any thing in the act above recited to the contrary notwithſtanding.

For the erection of ſaid bridge in 4 years and keeping it in repair 60 years, Security to be given, after that to become ſtate property.

And be it further enacted, That the ſaid John B. Coles, his heirs and aſſigns, ſhall give ſecurity to the treaſurer of this State, in the penal ſum of four thouſand pounds, conditioned that he or they ſhall erect and complete the ſaid bridge within four years after the paſſing of this act, and that he or they will preſerve the ſame in good and ſufficient repair during the term of ſixty years after the building and completing of ſaid bridge, and at the expiration of which term ſixty years, the ſaid bridge ſhall veſt in and become the property of the people of this State.

Privileges to John B. Coles, after 60 years and on what terms.

And be it further enacted, That from and after the expiration of the ſaid ſixty years, the ſaid John B. Coles, his heirs and aſſigns for ever, ſhall have hold and enjoy the uſe of the waters ſo ponded up for any mill or mills which he or they or any of them may have erected or ſhall erect, and alſo the uſe of the ſaid dam: *Provided*, that he or they ſhall keep in repair the ſaid dam and lock, at his and their proper expenſe, and keep a perſon to attend the ſaid lock, in manner herein before mentioned.

CHAP. XXXII.

An ACT *for raiſing a further ſum of Money for completing the Court Houſe and Gaol in the County of Saratoga.*

Paſſed the 24th of March, 1795.

Preamble. Reciting the neceſſity of a further ſum of money for completing the Saratoga court-houſe and gaol.

WHEREAS James Emott and others, commiſſioners by law appointed to ſuperintend the building a court houſe and gaol in the county of Saratoga, have by their petition repreſented to this legiſlature, that in purſuance of their ſaid appointment they have proceeded to erect a building for the purpoſe aforeſaid, (in their judgment) ſuited in dimenſion and convenience to the extent and population of the county. And the ſuperviſors of the county having repreſented that a further ſum of money will be neceſſary to complete the ſame: Therefore,

6ool. &c. to be levied for that purpoſe, and when and by whom.

Collector's fees.

BE **it enacted** *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the ſuperviſors of the county of Saratoga, at their meeting in May next, are hereby authorized and required to direct to be levied and raiſed on the freeholders and inhabitants of the county of Saratoga, the ſum of ſix hundred pounds, with an additional ſum of one ſhilling on the pound for collecting the ſame; which ſaid ſum ſhall be raiſed, levied and collected in like manner as the other neceſſary and contingent charges of the ſaid county are by law levied and collected.

When to be collected and paid to the

And be it further enacted, That the ſaid ſum of ſix hundred pounds ſhall be collected and paid into

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the treasury of said county, on or before the first day of February next, and the treasurer of said county is hereby required and directed to pay said sum of six hundred pounds to the order of the said commissioners or a major part of them, reserving to himself the sum of three pence on the pound, for his services for receiving and paying out the same.

county treasurer, and the commissioners.

Treasurer's fees.

And be it further enacted, That the said commissioners shall account with the supervisors of the county of Saratoga, for the monies by them to be received and expended for the purpose aforesaid when thereunto required.

CHAP. XXXIII.

An ACT *authorizing the Surveyor General to ascertain the Eastern Boundary Line of the Lands ceded by this State to the Commonwealth of Massachusetts, and for other purposes therein mentioned.*

Passed the 24th of March, 1795.

Preamble. Respecting adverse claims to certain lands lying west of Seneca Lake.

WHEREAS it hath been suggested, that lands have been granted by letters patent under the great seal of this State, which are comprehended within the tract previously ceded by this State, to the commonwealth of Massachusetts, by the act or deed of mutual cession, executed on the 16th day of December, 1786, and that the same are claimed by persons under titles derived from the said commonwealth; in order therefore to settle and adjust such adverse claims, and as far as may be to prevent litigation and controversy between the claimants,

The mode of adjusting such claims, by the surveyor-general examining the eastern line of cession.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That the Surveyor General of this State as soon as may be after the passing of this act, shall examine the line run by Benjamin Ellicot of Pennsylvania, as for the eastern boundary line of the lands ceded as aforesaid to the commonwealth of Massachusets, in such manner as he shall deem best adapted to discover whether the said line has been truly run and in conformity with the stipulations contained in the said act of cession; and if he shall judge that the said line hath been truly run, he shall then apply to the said Benjamin Ellicot for a description and map of the said line, and for a certificate attested by his oath, that the said line so run by him is to the best of his knowledge and belief, truly performed, and that it commenced in the boundary line between this State and the State of Pensylvania, and at the point from whence the eastern boundary line of the lands so ceded was to begin agreeably to the said act of cession, and if the said surveyor general shall judge that the said line hath been truly run from the point aforesaid to lake Ontario, he shall then ascertain in such manner as he shall judge proper, what lands part of the tract so ceded as aforesaid, if any have been granted by letters patent under the great seal of this State; of all which he shall make report as soon as may be, to the commissioners of the land office: But if he shall adjudge that the said line hath not been truly run, and not in conformity with the intentions of the parties to the said act of cession, he shall then run a line to determine the eastern boundary of the said lands so ceded as aforesaid, in uniformity to the said act of cession.

Which line, if truly run, surveyor-general to report to commissioners of the land-office.

If not already truly run, surveyor-general to run it agreeable to the act of cession.

Grants of lands by this state: within the ceded tract, how other lands shall be granted in lieu thereof; and to be surveyed and patented without expence to patentees.

And be it further enacted, That it shall be lawful for the commissioners of the land-office, if it shall appear from the report of the Surveyor General, to be made as aforesaid, that letters patent have been granted under the great seal of this State, for any lands laying within the tract, so ceded as aforesaid, to give and to grant in lieu of the whole, or in lieu of any part thereof, other lands of equivalent value of the unappropriated lands within this State, if the claimants under titles, derived from the said commonwealth, shall agree to accept thereof, or to give and grant to each and every claimant under titles derived from this State, who shall be willing to accept thereof, other lands of equivalent value of the unappropriated lands within this State, and to cause all the lands which may be so exchanged or granted to be surveyed at the expense of the people of this State, and to cause letters patent to be issued for any lands which may be given in lieu of lands heretofore granted by this State, and comprehended within the tract so ceded and without fee or reward.

Proviso. Grants within said ceded tract in virtue of locations, such grantees to locate elsewhere, &c.

Provided, That in every case where letters patent have been passed, founded on locations for lands west of the said boundary line, and the title whereof is still in the original patentee or patentees, or their heirs or devisees, such patentee or patentees, or their heirs or devisees, shall be only permitted to locate an equivalent quantity of the unappropriated lands belonging to the people of this State, and which are now subject to location, and shall receive letters patent therefor in the usual form.

Proviso. Where certain claimants shall release their rights, &c.

Provided also, That the claimants of lands within the tract so ceded as aforesaid, whether under titles derived from the said commonwealth or this State, who shall consent and agree to take of the unappropriated lands within this State, in lieu of the lands heretofore granted by this State, and comprehended within the said ceded tract, shall release their right to the lands comprehended within the tract so ceded as aforesaid, in such manner as the said commissioners shall stipulate with the respective claimants.

Surveyor General to draw upon the Treasury tor the expences of ascertaining the boundary line and other surveys.

And to account for the sums drawn.

And be it further enacted, That it shall and may be lawful for the surveyor general to draw upon the the treasurer of this State, by warrant from the person administering the government of this State for the time being, for such sum or sums of money as may be necessary to defray the expenses of ascertaining the eastern boundary line aforesaid, and of such surveys as may be directed by the commissioners of the land office, in adjusting the claims of the said claimants respectively, by virtue of grants from this State or grants from the said commonwealth, in and to the aforementioned lands, for which said sums so to be drawn, the said surveyor general shall account with the auditor of this State.

CHAP. XXXIV.

An ACT *for the relief of Nathan Dean and others.*

Passed 31st of March, 1795.

Preamble.

WHEREAS David Gardiner late of the county of Ulster, deceased, did during his life time make three locations of two hundred acres each on lands situate on the west side of the river

Delaware, but neglected to cauſe the ſame to be ſurveyed according to law; by reaſon whereof the locations aforeſaid became void: And whereas William Cockburn afterwards and before the ſaid locations made by the ſaid David Gardiner became void made locations interfering with the lands ſo located. And whereas Nathan Dean and Squire Whitaker after the ſaid locations were made, contracted with the commiſſioners of the Land office for the purchaſe of the ſame lands and made conſiderable improvements thereon by erecting mills and other valuable buildings:—Therefore

Commiſſioners of the Land-Office to grant letters patent to Nathan Dean and Squire Whitaker for 600 acres of land.

BE **it enacted** *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That it ſhall and may be lawful for the commiſſioners of the land-office to grant letters patent to the ſaid Nathan Dean and Squire Whitaker in the uſual form for the ſaid ſix hundred acres of land, they the ſaid Nathan Dean and Squire Whitaker firſt paying into the Treaſury the ſum of ſix hundred dollars.

Recital.

AND WHEREAS the ſaid David Gardiner died inteſtate and Moſes Hatfield hath adminiſtered on his eſtate, therefore

Treaſurer to pay Moſes Hatfield, Adminiſtrator to David Gardiner 600 dollars.

BE *it further enacted by the authority aforeſaid,* That it ſhall and may be lawful for the Treaſurer to pay the ſaid ſix hundred dollars to Moſes Hatfield, adminiſtrator of all and ſingular the goods and chattels rights and credits of David Gardiner deceaſed, to be applied and diſpoſed of as part of the perſonal eſtate of the ſaid David Gardiner deceaſed, and ſhall be conſidered as a full compenſation for the certificates depoſited by him the ſaid David Gardiner, with the Surveyor General for the locations made by him as aforeſaid.

William Cockburn allowed to locate a certain quantity of land.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid William Cockburn to locate on any vacant and unappropriated land ſubject to locations at the time of making the ſaid location, a quantity of land equal to the quantity of land of his former location covered by the prior location of the ſaid David Gardner.

CHAP. XXXV.

An ACT *authoriſing the Commiſſioners of the Land Office to grant letters patent for the lands therein mentioned to Henry Mansfield and Jotham Jayne.* Paſſed the 31ſt of March, 1795.

Preamble.

WHEREAS it is repreſented to the Legiſlature that Henry Mansfield and Jotham Jayne have made ſome improvements on vacant lands on Schoonemonk mountain in Orange county, and by their petition have prayed that the ſame may be granted to them on paying for the ſame:—Therefore

Mode of granting about 600 acres to H. Mansfield and J. Jayne.

BE **it enacted** *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That the Commiſſioners of the Land Office be and they are hereby authoriſed and directed to grant letters patent to Henry Mansfield and Jotham Jayne or their legal repreſentatives as tenants in common for a tract of about ſix hundred acres of vacant land on Schoonemonk mountain in Orange county, upon their producing a ſurvey thereof at their own expenſe from the Surveyor General of this State, and alſo a certificate from him that the ſame is vacant land: *Provided* that a valuation of the ſaid lands ſhall have been previouſly made by ſuch perſon or perſons as the ſaid commiſſioners ſhall appoint for the purpoſe, who ſhall certify ſuch valuation under hand and ſeal to the Treaſurer of this State: *And provided alſo* that they the ſaid Henry Mansfield and Jotham Jayne ſhall before the granting of ſuch letters patent produce a receipt of the ſaid Treaſurer that the purchaſe money has been paid (agreeable to ſuch valuation) before the firſt day of January next.

Proviſo.

CHAP. XXXVI.

An ACT *to amend the acts for the prevention of fires, and to regulate certain buildings in the city of New-York.* Paſſed the 31ſt of March, 1795.

Regulation as to ſulpher, hemp and flax, in certain places.

BE it enacted, *by the people of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That from and after the firſt day of June next, no greater quantity of ſulphur than ten hundred weight, and no greater quantity of hemp or flax than twenty hundred weight ſhall be put ſtored or kept in any one place in the city of New-York to the ſouthward of Freſh water in the ſixth ward nor to the Southward of Rutgers ſlip in the ſeventh ward, other than in ſuch proper place or places as ſhall be appointed and approved of by the mayor aldermen and commonalty of the city of New-York in Common Council convened, under the penalty of ten pounds for every offence or refuſal to remove the ſame to be recovered levied and applied in the manner and for the purpoſes directed in, and by the act entitled, "an act for the more effectual prevention of fires in the city of New-York."

Regulation as to dwelling houſes and other buildings in New-York.

And be it further enacted by the authority aforeſaid, That every dwelling houſe or other building whatſoever, which ſhall be erected or built within the city of New-York, after the firſt day of May next, to the ſouth and weſt of the line mentioned and deſcribed in the act, entitled, "An act for the more effectual prevention of fires, and to regulate certain buildings in the city of New-York, and which from the ſurface or level of the Street, to which ſuch houſe ſhall adjoin, whether in front or rear, to the foot of the rafters ſhall be more than twenty eight feet, ſhall be deemed conſidered and taken to be a building, conſiſting of three or more ſtories within the meaning and intention of the ſaid act, entitled, "An act for the more effectual prevention of fires, and to regulate certain buildings in the city of New-York," and ſhall be made and conſtructed of ſuch materials, and in ſuch manner as is directed in and by the ſame act, under the penalties therein mentioned.

Where double taxes ſhall be added to former penalties.

And be it further enacted by the authority aforeſaid, That beſides the penalties upon the proprietor and workmen, who ſhall build or roof the ſame, every dwelling houſe or other building which ſhall be erected or built after the firſt day of May next, contrary to the directions of the ſaid act, entitled, "An act for the more effectual prevention of fires, and to regulate certain buildings in the city of New-York,

or contrary to this act, shall be liable to, and chargeable with double taxes during so long time, as such dwelling house or other building shall so continue.

CHAP XXXVII.

An ACT *for the better support of the Public Hospital in the city of New-York.*

Passed the 31st of March, 1795.

4000l. annually for 5 years allowed to the public hospital.

BE it enacted *by the People of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Treasurer of this State, for the time being, and he is hereby directed to pay to the Treasurer for the time being, of the Society of the Hospital in the city of New-York, for the use of the said corporation, out of any monies then in the Treasury of this State not otherwise appropriated, the sum of four thousand pounds annually, for and during the term of five years, to be computed from the first day of February last, which sum of four thousand pounds so to be paid, shall become chargeable upon the duties laid, or to be laid on sales at public vendue or auction, in the city of New-York.

Chargeable on certain duties.

Part of a certain act, relative to the Hospital repealed.

And be it further enacted by the authority aforesaid, That the act entitled, "An act for the better support of the Hospital in the city of New-York," Passed the 11th day of April, 1792, shall be repealed so far as respects any future annual payments to be made to the society of the said hospital.

Certain duties on goods sold at auction, lessened to 2 per cent.

And be it further enacted by the authority aforesaid, That from and after the first day of July next, the duty charged by the act entitled, "An act for the regulation of sales by public auction, upon goods, wares, merchandize and effects sold at vendue or auction," shall be two pounds instead of two pounds ten shillings for every hundred pounds of the value or price at which the same shall be sold.

CHAP. XXXVIII.

An ACT *for the more effectual prosecution of the Improvements commenced by the Inland Lock Navigation Companies in this State.*

Passed the 31st of March, 1795.

Preamble.

Shewing the necessity of Legislative relief, to the Inland Lock Navigation Companies.

WHEREAS the Directors of the Inland Lock Navigation Companies instituted by the legislature, have by their petition respectfully represented, that only seven hundred and forty three shares in the western company, and six hundred and seventy six in the northern company have been subscribed to the stock of the said companies, and that of those, about two hundred and forty in each company have become forfeited, by reason that the holders thereof have refused or neglected to pay the sum required of them in conformity to law; by means whereof the residue of the stock in both companies is now held by only one hundred and sixty nine persons, who, altho' willing to prosecute the objects of the institutions with vigour and energy, are incapable to make the requisite advances, as the expense to be incurred on each share will be double of what was originally intended, occasioned by the deficit of the un-subscribed shares, and the forfeitures aforesaid; and have prayed legislative relief in the premises. *And whereas* the legislature by the act of incorporation, intended, that the stock of the said companies respectively should consist of one thousand shares, and that the objects of the institution were to facilitate the transportation of produce as an important mean to promote the agriculture and commercial interest of the State:—Therefore,

The state Treasurer to subscribe to each company, of the Lock Navigation, 200 shares.

Be it enacted *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the treasurer of this State for the time being, and he is hereby required to subscribe two hundred shares to the stock of each of the said companies, and to pay the sum of twenty pounds on each share to the treasurer of the said companies, being a like sum as hath been paid by the existing stockholders thereof, and shall from time to time pay such further sum on each share so to be subscribed as the directors of the said companies shall from time to time require to be paid by the other stockholders in the said companies respectively, and not otherwise.

Privileges of said Treasurer as to voting and Dividends.

And be it further enacted by the authority aforesaid, That the treasurer of this State for the time being, shall have such and so many votes at any meeting of the stockholders, whether the same be for the purpose of chusing directors or for any purpose for which any such meeting may be held, as any other stockholder is entitled to in conformtty with the said act of incorporation, and shall have, use and enjoy every privilege and advantage which the other stockholders are by law entitled to, and shall from time to time take and receive the dividend or dividends to which the people of this State will become entitled to, out of every dividend or dividends hereafter to be made, and to arise from the tolls or any other emoluments whatsoever.

The Treasurer to inspect the proceedings of the directors, and when to report to the Legislature.

And be it further enacted by the authority aforesaid, That whenever and as often as the said treasurer shall require an inspection of the proceedings of the directors, the same shall be permitted him, and if he shall find that any measures have been pursued by the directors of either of the said companies tending to the injury of the people of this State as subscribers to the stock of the said companies, he shall report the same to the legislature at the first meeting thereof next after such discovery.

CHAP. XXXIX.

Preamble.

An ACT *for altering one of the terms of the Courts of Common Pleas in the County of Westchester.*

Passed the 31st of March, 1795.

WHEREAS one of the terms of the courts of common pleas in the county of Westchester, is by law to be held on the fourth Monday of January in every year, and is found to be inconvenient:—Therefore,

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One of the terms of Common Pleas of W. Chester altered to the first Monday in December yearly.

BE it enacted *by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That instead of the said fourth Monday of January, the said term shall be held on the third Monday of December in every year, and may be held and continued until the next Saturday following inclusive.

CHAP. XL.

An ACT *to enable the Freeholders and Inhabitants of part of the town of Water-Vliet to elect Trustees for the purposes therein mentioned.* Passed the 31st of March, 1795.

BE it enacted, *by the people of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That Lucas Van Veghten, Bastian T. Visscher, Henry Quackenbos, Abraham Van Veghten, and Luther Trowbridge, shall be and they are hereby declared to be, the first trustees for the freeholders and inhabitants of all that part of the town of Water-Vliet comprehended within the limits following, to wit: Beginning on the west bank of Hudsons river and in the northeast corner of the bounds of the city of Albany, and extending northerly along the said river to a point on its west bank, distant one mile from the place of beginning on a straight line, thence north fifty degrees west one mile, thence southerly on such course as to intersect the north bounds of the city of Albany, at one mile from the place of beginning, thence easterly along the same north bounds to the place of beginning, and shall continue to be trustees as aforesaid, until the second Tuesday in May, one thousand seven hundred and ninety six, and until others shall be chosen in their place: and that it shall and may be lawful to and for the owners of houses or land within the limits aforesaid, as well as the freeholders and inhabitants for the time being, resident within the said last limits and qualified by law to vote at town meetings, to assemble on the second Tuesday of May, one thousand seven hundred and ninety six, and annually on the second Tuesday of May in every year thereafter, at such place, and at such time of the day, as the trustees for the time being, or the major part of them shall by public advertisement appoint, and under the direction of the said trustees, or such of them as shall be present, who are hereby made inspectors of such election, then and there, by a plurality of voices to elect five discreet inhabitants being freeholders to be trustees as aforesaid, who shall continue in office until the second Tuesday of May, in the next ensuing year, and until others shall be chosen in their place.

Five trustees for the freeholders of part of Water-vliet.

Continuance of said trustees.

Annual meeting for election, and how they shall be conducted.

And be it further enacted by the authority aforesaid, That the said trustees hereby appointed and their successors are hereby enabled to take a grant or grants, feoffment or feoffments of any lands and tenements, lying and being within the limits aforesaid, and to hold the same to them and their successors forever, in trust, to and for the common use and benefit of the freeholders and inhabitants aforesaid.

Trustees allowed to hold real property.

And be it further enacted by the authority aforesaid, That the said owners of houses or land, and the said freeholders and inhabitants at their annual meetings, to be held as aforesaid, and at such other times of the year as the said trustees or a majority of them may think necessary, to advertise for the purpose, shall be, and they are hereby authorized and empowered from time to time, to make ordain, constitute and establish such prudential rules, orders and regulations, as a majority of such owners of houses or land, and freeholders and inhabitants so assembled, and having a right to vote shall judge necessary and convenient, for the better improving their common lands, and for ascertaining and directing the use and management thereof; and also to ordain and establish such prudential rules and orders, relative to the cleansing and keeping in order and repair, the common streets and highways, within the limits before mentioned, and for removing nuisances therefrom, and also to make and ordain rules and regulations, proper to compel the house keepers to furnish themselves with a sufficient number of fire buckets, and with necessary tools and implements, for extinguishing of fires; and to impose such penalties on the offenders against such rules, orders and regulations, or any or either of them as the majority of such owners of houses or land and freeholders and inhabitants so assembled shall from time to time deem proper, not exceeding forty shillings for any one offence, to be recovered by the said trustees for the time being, in their own names, with costs of suit, for the use of the said owners of houses or land, and freeholders and inhabitants, by action of debt, before any justice of the peace residing in the county.

Freeholders empowered to make regulations for the better improvement of their common land.

And for keeping in repair the streets and highways.
and to compel house keepers to provide themselves with fire buckets, & to impose penalties for neglect.

And be it further enacted by the authority aforesaid, That the said trustees hereby appointed, and their successors shall and may from time to time, constitute and appoint one fit person to be a common clerk for the said owners of houses or land, and freeholders and inhabitants, whose duty it shall be to record all rules, orders and regulations made by the said owners of houses or land, and freeholders and inhabitants at their meetings as aforesaid, in a proper book to be by him provided for such purposes; and also to do and perform all such matters and things as the said trustees or a majority of them shall lawfully from time to time by writing under their hands direct and appoint.

Trustees to appoint a common clerk.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees or the major part of them, and they are hereby required with all convenient speed to elect nominate and appoint, a sufficient number of men willing to accept, not to exceed twenty in number, out of the inhabitants within the limits aforesaid, to have the care, management, working and use of the fire engine or engines belonging or which may belong to the said owners of houses or land, and freeholders and inhabitants, and also the tools and instruments for extinguishing fires, and the said trustees or the major part of them, are hereby authorized and empowered, to remove or displace all or any of the firemen so as aforesaid to be elected, nominated and appointed, when and as often as they shall think fit, and others in their stead to elect, nominate and appoint, and also to make, establish and ordain, such rules, orders and regulations for the government, conduct, duty and behaviour of such firemen as to them shall appear necessary and proper.

Trustees to appoint firemen not exceeding 20 in number.

and displace them at their pleasure.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said owners of houses or land, and freeholders and inhabitants at their annual meeting for electing trustees, by

Freeholders at their annual meetings to determine what sum

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shall be raiſed for paving & improving the highways, and for purchaſing a fire engine.

majority of voices to determine what ſum in the aggregate ſhall be raiſed, levied and collected from the ſaid owners of houſes or land, and freeholders and inhabitants reſident within the ſaid limits, for paving and other improvements on the highways therein, and to empower the ſaid Truſtees to apportion the ſum ſo to be raiſed amongſt the ſaid owners of houſes or land, and freeholders and inhabitants, in proportion to the advantages which they ſhall deem to reſult to each, from any ſuch repairs or improvements: *Provided always*, That ſuch ſum ſhall not in any year exceed the ſum of three hundred pounds, and ſhall in like manner raiſe a ſum ſufficient to purchaſe an engine for the more effectual extinguiſhing fires within the ſaid limits, or within the city of Albany, and ſhall in like manner apportion to each, his or her proportion of the expenſe.

CHAP. XLI.

An ACT *relative to Lands in Brothertown.* Paſſed the 31ſt of March, 1795.

Preamble. reciting that certain lands were appropriated for the uſe of the New England Indians.

Further preamble reciting that diſputes relative to ſaid lands have happened between ſaid Indians and others.

WHEREAS certain lands heretofore in the county of Montgomery, now in the county of Herkemer, were by law appropriated to the uſe of the Indians commonly called New-England Indians, and particularly deſignated in an act entitled "An act for the ſale and diſpoſition of lands belonging to the people of this State," paſſed the twenty fifth day of February, one thouſand ſeven hundred and eighty nine, with permiſſion to the ſaid Indians under certain reſtrictions, to leaſe a part of the ſaid lands for a term not exceeding ten years. *And whereas* ſeveral Indians in their individual capacity have granted leaſes for ſuch quantities of the ſaid land, as that others of the Indians who were intended to be participants in the ſaid lands, cannot be accommodated with a part thereof, which has occaſioned diſputes and controverſies between the ſaid Indians themſelves and between them and the white inhabitants ſettled on the ſaid lands. *And whereas* the ſaid Indians and the ſaid white inhabitants, have by petition ſeverally ſolicited legiſlative interference in the premiſes: Therefore,

Three commiſſioners appointed for ſettling ſuch diſputes.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That Samuel Jones, Ezra L'Hammedieu and Zina Hitchcock be, and they hereby are appointed commiſſioners for ſetling and adjuſting all differences which have ariſen or may ariſe between the Indians reſiding on the ſaid lands, and between them and the ſeveral tribes of Indians claiming an intereſt in the ſaid lands, and between the ſaid Indians and the ſaid white inhabitants.

Who are to repair to Brothertown and examine all differences.

And be it further enacted by the authority aforeſaid, That it ſhall be the duty of the ſaid commiſſioners, as ſoon as may be after the firſt day of May next, to repair to Brothertown, and there to examine into all differences which may have ariſen between the ſaid Indians, and between the ſaid Indians and the ſaid white inhabitants, and to hear the ſeveral allegations and proofs of the ſaid parties.

Commiſſioners to ſet apart one entire piece of ſaid tract for the uſe of the Brothertown Indians and others.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid commiſſioners to ſet off part of the ſaid tract in one entire piece for the uſe of the Indians now reſiding in Brothertown, and for ſuch other Indians as may be entitled to land in Brothertown; notwithſtanding any leaſe or leaſes made by individual Indians to any white perſon or perſons whether reſident on the ſame land or not: *Provided* that ſuch piece ſo to be ſet off ſhall not contain leſs than ſix nor more than ten thouſand acres.

And to make a diviſion of the remainder among thoſe who have obtained leaſes from the Indians and give them deeds for the ſame.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid commiſſioners to make a diviſion of the remainder of the land in Brothertown among ſuch perſons as have obtained leaſes from individual Indians or claim under ſuch leaſes, if ſuch leſſees and ſuch claimants were actually reſident on and occupying of the ſaid land on or before the twenty-ſeventh day of December laſt, in ſuch proportion as they in their judgment ſhall deem equitable, taking into conſideration in ſuch apportionment the improvements which may have been made by any of the ſaid leſſees on the lands which the ſaid commiſſioners ſhall appropriate for the ſettlement of Indian families or individual Indians, and to ſell the ſame to the ſaid perſons in Brothertown ſo having obtained leaſes or claiming under leaſes from individual Indians as aforeſaid, and who were ſo actually reſident on and occupying of the ſaid lands at ſuch price and on ſuch payments as they in their judgment ſhall deem moſt advantageous to the State, and leaſt oppreſſive to the purchaſers: And in behalf of the People of this State to give conveyances for the ſame lands and to take mortgages for the payment of the purchaſe money in the name of the People of this State, to cauſe the ſame to be regiſtered in the proper office and to deliver the originals together with all the purchaſe money they may receive to the Treaſurer of this State. *Provided always*, That if any ſuch white inhabitant ſhall refuſe to make ſuch purchaſe as aforeſaid, and to give a mortgage for the purchaſe money, and to give up the leaſe or leaſes which he may have obtained from an individual Indian or Indians or the aſſignment of ſuch leaſe or leaſes, then and in that caſe it ſhall and may be lawful for the commiſſioners to ſell the ſame land to any other white inhabitant reſident in Brothertown and occupying of the ſaid land on or before the twenty ſeventh day of December laſt.

Proviſo if leſſees refuſe to purchaſe, Commiſſioners may ſell their lands to any other perſons.

No perſon to be diſpoſſed who holds a leaſe for ten years, from the Indians in their collective capacity.

And be it further enacted by the authority aforeſaid, That it ſhall not be lawful for the ſaid commiſſioners to diſpoſſeſs any white inhabitant in Brothertown of the poſſeſſion of the lands he occupies or holds by leaſe for ten years heretofore given, bona fide, by the Indians reſiding in Brothertown in their collective capacity at the time of making ſuch leaſe: *Provided*,

Lands not to be ſold at a leſs price than ſixteen ſhillings per acre.

And be it further enacted by the authority aforeſaid, That the ſaid lands ſhall not be ſold for leſs than ſuch ſum in the aggregate as that the mean price ſhall be at leaſt ſixteen ſhillings per acre. *And provided* that no ſale ſhall be made to any perſon who was not actually reſident on and occupying part of the ſaid land on the twenty ſeventh day of December laſt.

And be it further enacted by the authority aforeſaid, That the monies ariſing from the ſale of the lands ſo to be made as aforeſaid after deducting the expences which may ariſe in carrying this act into effect

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shall by the Treasurer be vested in the funds of the United States. And so much of the interest thereof as may be necessary shall be annually applied for maintaining a school in Brothertown for the education of Indian children, and the remainder of the interest, if any, shall be applied to the benefit of the Indians residing in Brothertown and such other Indians as have a right in the same lands, and shall be settled thereon, in such manner as the person administering the government of this State for the time being shall judge proper.

Monies arising from the sale of said lands how to be applied and disposed of.

And be it further enacted by the authority aforesaid, That if a majority of the said Indians actually resident shall incline to have the whole of the said tract so to be set apart divided into lots to be specially appropriated to the heads of families respectively, or to any Indian having no family, and who is by law entitled to part of the said tract; then the said commissioners shall cause the same to be laid into such a number of lots, not less than shall be sufficient as well for the Indian families actually resident, as for other Indian families entitled by law and the contents of such lots severally as well of the appropriation thereof to any particular family shall be in the discretion of the said commissioners: But if the said Indians should not collectively agree to such an arrangement, then the said commissioners may lay out a lot for each family which may choose to have the same so specially appropriated, and shall cause a register of every such appropriation to be made in a book to be provided for that purpose descriptive of the several lots, together with the name of the head of the Indian family or individual Indian to whom any lot may be so appropriated, and the names of all the members of the same family, their age and sex; and every lot so appropriated, as well as the whole tract so to be set apart, and of which no such appropriations shall be made, shall be to the use of the said Indians either collectively as a body of People, or individually by families (as the case may be and shall remain to them and their posterity for ever as an estate or estates unalienable and without the power of leasing; and such book as aforesaid being certified by the said commissioners shall be filed in the office of the Secretary of this State, and one copy thereof in the clerks office of the county of Herkemer to remain in the said offices as part of the public records.

If the majority of the Indians shall incline to have the aforesaid tract set apart, for their use, divided among their individual families, then the commissioners are to divide the same, which division is to be filed in the Secretary's office, and in the Clerks office of Herkemer county.

And be it further enacted by the authority aforesaid, That it shall be the duty of the Surveyor General to run the out lines of the tract commonly called Brothertown, and to make and perform all other surveys within the same which the said commissioners shall direct, and to make two maps thereof and to deliver the same together with two field books to the said commissioners to be by them filed with the books in manner aforesaid.

Surveyor General to survey the outlines of Brother town, & all other surveys therein required to be made.

And be it further enacted by the authority aforesaid, That the said commissioners be and they hereby are authorized and empowered to settle and adjust any other differences and disputes between the said Indians, and between the said Indians and the said white inhabitants respecting the aforesaid lands and not provided for by this act, in such manner as they shall judge equitable: which decision shall be binding on the parties.

Commissioners empowered to settle disputes, not particularly provided for by this act.

And be it further enacted by the authority aforesaid, That any two of the said commissioners shall be a quorum to do and transact every matter and thing enjoined by this act. And the said commissioners besides their expences shall be allowed such reasonable compensation as the Legislature shall hereafter direct.

Two Commissioners to make a quorum.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Treasurer of this State to pay to the said commissioners or to their order a sum not exceeding one thousand pounds to enable them to defray the expenses of the surveys herein before mentioned and such other contingent charges as shall from time to time accrue in the execution of the duties enjoined them by this act; and the said commissioners shall render true and just accounts of all such expenditures to the Auditor of this State, and shall report their proceedings to the Legislature at their first meeting next after they shall have compleated the same.

Treasurer to pay Commissioners one thousand pounds.

CHAP. XLII.

An ACT *to erect part of the counties of Albany and Otsego into a separate county.*

Passed the 6th of April, 1795.

BE it enacted *by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first day of June next all that tract of land of the counties of Albany and Otsego comprehended within the following boundaries, beginning at the north west corner of the manor of Rensselaer and running thence southerly along the westerly line thereof to the south west corner of the said manor, thence westerly on a direct line to the place where the Ulster county line crosses the Schoharie creek, thence along the said line to lake Utseyantho and Harpersfield, thence westerly along the northern boundary line of Harpersfield to the southwest corner of the town of Dorloch, and thence northerly along the bounds of the towns of Cherry Valley and Dorloch to the north west corner of the said town of Dorloch, thence easterly along the division line of the counties of Montgomery and Otsego to the northwest corner of the county of Albany, thence along the division line between the counties of Albany and Montgomery easterly to Duanesborough, and thence along the westerly and southerly bounds of Duanesborough to the place of beginning, shall be and hereby is erected into a separate county, and shall be called and known by the name of Schoharie.

part of Albany and Otsego counties, herein described, erected into a new county, by the name of Schoharie.

And be it further enacted, That there shall be held in and for the said county of Schoharie a court of common pleas and a court of general sessions of the peace; and that there shall be three terms of the same courts in the said county in every year to commence and end as follows, that is to say, the first term of the said courts shall begin on the last Tuesday of May and may continue to be held until the Saturday following inclusive. And the second term of the said courts shall begin on the first Tuesday of October and may continue to be held until Saturday following inclusive. And the third term of

A court of Common pleas and a court of General sessions, to be held at three terms in every year, in said county, as herein directed.

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And to have the ſame powers as the ſaid courts in other counties have.

Proviſo.

the ſame courts ſhall begin on the firſt Tueſday of January and may continue to be held until the Saturday following incluſive. And the ſaid courts of common pleas and general ſeſſions of the peace ſhall have the ſame juriſdiction power and authorities in the ſaid county as the courts of common pleas and general ſeſſions of the peace in the other counties of this State have in their reſpective counties. *Provided* that nothing in this act contained ſhall be conſtrued to affect any ſuit or action already commenced or that ſhall be commenced before the firſt Tueſday in October next ſo as to work a wrong or prejudice to any of the parties therein or to affect any criminal or other proceedings on the part of the People of this State; but all ſuch civil and criminal proceedings ſhall and may be proſecuted to trial judgment and execution as if this act had never been paſſed.

Said courts where to be held.

And be it further enacted, That until other Legiſlative proviſion be made in the premiſes, the ſaid courts of common pleas and general ſeſſions of the peace in the ſaid county ſhall be held at the houſe of Johannis Ingold in the town of Schoharie.

Inhabitants of ſaid county to have the like privileges as in other counties.

And be it further enacted, That the freeholders and inhabitants of the ſaid county hereby erected ſhall have and enjoy all and every the ſame rights powers and privileges as the freeholders and inhabitants of any other county in this State are by law entitled to have and enjoy.

Priſoners of ſaid county to be confined in Albany gaol.

And be it further enacted, That it ſhall and may be lawful for all courts and officers of the ſaid county of Schoharie in all caſes civil and criminal to confine their priſoners in the gaol of the county of Albany, until a gaol ſhall be provided in the ſaid county of Schoharie.

Inhabitants empowered to build a gaol in ſaid county.

And be it further enacted, That it ſhall and may be lawful for the freeholders and inhabitants of the ſaid county of Schoharie to build and erect a court houſe and gaol in the ſaid county at ſuch place as the judges and juſtices to be appointed for the ſaid county, and the ſuperviſors of the towns therein or a major part of the ſame judges juſtices and ſupervisors may direct and appoint not exceeding one mile and a half from the junction of the Cobus kill and Schoharie road.

CHAP. XLIII.

An ACT *making further proviſion for fortifications within this State.*

Paſſed the 6th of April, 1795.

Preamble relating to fortifications begun in this State.

WHEREAS fortifications have been commenced within this State in conformity to the act entitled "An act authoriſing the erecting of fortifications within this State," and unleſs the proſecution of the ſame be continued, the works already begun but not compleated will go to ruin.

AND WHEREAS the object of the contemplated fortifications is of the firſt importance to the ſafety and intereſt of the People of this State. Therefore,

Treaſurer to pay 20,000 to certain commiſſioners to compleat ſaid fortifications.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful for the Treaſurer of this State and he is hereby required to pay to the commiſſioners appointed by the ſecond ſection of the ſaid act upon warrant of the perſon adminiſtering the government of this State for the time being a ſum not exceeding twenty thouſand pounds out of any monies in the Treaſury not appropriated, to be by the commiſſioners laid out and expended for compleating and making ſuch fortifications as by the ſaid act were intended to be erected. *Provided always* that no part of the ſaid money ſhall be expended other than for compleating making and repairing the fortifications on Governors Iſland, Bedlows Iſland and Oyſter Iſland in the city of New-York.

CHAP. XLIV.

An ACT *to amend the act eſtabliſhing the rates of Wharfage in the City of New-York.*

Paſſed the 6th of April, 1795.

Preamble. reciting that the preſent rates of wharfage in New-York are inſufficient.

WHEREAS it hath been repreſented to the legiſlature that the preſent rates of wharfage are inadequate for the purpoſes of building, keeping in repair and maintaining the wharves in the city of New-York, by reaſon of the advanced price of labor and materials: Therefore,

Certain new rates of wharfage eſtabliſhed

BE **it enacted** *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That from and after the firſt day of May next, it ſhall and may be lawful to and for the preſent owners and proprietors of the ſaid mentioned wharves, or the owners or proprietors thereof for the time being, to aſk, demand, take and receive to and for their ſeveral and reſpective uſes, for all ſhips and veſſels uſing or that ſhall uſe the ſame, that is to ſay, for every foreign veſſel under the burthen of ſixty tons, at and after the rate of four ſhillings per day; for every ſhip or other veſſel, of the burthen of ſixty tons and under the burthen of one hundred tons, at and after the rate of four ſhillings per day; for every ſhip or other veſſel of the burthen of one hundred tons and under the burthen of one hundred and fifty tons, at and after the rate of five ſhillings per day; for every ſhip or other veſſel of the burthen of one hundred and fifty tons and under the burthen of two hundred tons, at and after the rate of ſix ſhillings per day; for every ſhip or other veſſel of the burthen of two hundred tons atnd under the burthen of two hundred and fifty tons, at and after the rate of ſix ſhillings and ſix pence per day; for every ſhip or other veſſel of the burthen of two hundred and fifty tons and under the burthen of three hundred tons, at and after the rate of ſeven ſhillings and ſix pence per day; for every ſhip or other veſſel of the burthen of three hundred tons and under the burthen of four hundred tons, at and after the rate of eight ſhillings per day; for every ſhip or other veſſel of the burthen of four hundred tons and under the burthen of five hundred tons, at and after the rate of nine ſhillings per day; for every ſhip or other veſſel of the burthen of five hundred tons and under the burthen of ſix hundred tons, at and after the rate of ten ſhillings per day; for every ſhip or other veſſel of the burthen of ſix hundred tons and upwards, to pay ſix pence for every fifty tons in addition to the rate laſt mentioned, for every day that ſuch ſhip or veſſel reſpectively ſhall uſe and be made faſt to any of the wharves herein before mentioned.

Proviſo

Provided always, that nothing in this act contained, ſhall be conſtrued, deemed or taken to eſtabliſh a rate of wharfage for veſſels employed between one part and another within this State, or for any coaſting veſſels belonging to the citizens of the United States of a burthen not exceeding ſixty tons, and that the maſter or owners of ſuch veſſels and owners of wharves may adjuſt the wharfage to be paid for ſuch laſt mentioned veſſels, on ſuch terms as they may from time to time mutually agree upon; and in caſe of a difference between the maſter of any ſuch veſſel laſt mentioned, and the owner or owners of any wharf, the ſame ſhall be determined by the maſter and wardens of the port of New-York, whoſe deciſion ſhall be final.

Part of a certain act herein recited relative to wharfage repealed.

And be it further enacted, That the firſt ſection of the act entitled "An act to eſtabliſh the rates of wharfage and cranage within the city of New-York," paſſed 17th April, 1784, ſhall be and hereby is repealed.

CHAP. XLV.

An ACT *to encourage certain Manufactories within this State.*

Paſſed the 6th of April, 1795.

Preamble reciting that James Caldwell hath prayed a loan from the State to carry on his manufactories.

WHEREAS James Caldwell of the city of Albany, hath by his memorial repreſented to the legiſlature that the extenſive works erected by him in the vicinity of that city, have been conſumed by fire, and hath prayed a loan from the State without which he will be unable to carry on his uſeful and important manufactories:—Therefore,

Treaſurer to advance him on loan 8cool.

BE **it enacted** *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the treaſurer of this State ſhall be and he is hereby authorized and directed to advance on loan to the ſaid James Caldwell, out of any monies in the treaſury not otherwiſe appropriated on the firſt day of May next, a ſum not exceeding eight thouſand pounds.

Reciting that Joſiah G. Pierſon hath alſo prayed a loan from the State.

And whereas Joſiah G. Pierſon hath alſo repreſented that he has eſtabliſhed a manufactory of nails, upon an improved plan, which is capable of being greatly extended by being conſtructed ſo as to go by water; which for want of a ſufficient capital he is at preſent unable to execute, and hath alſo prayed for a loan from the State:— Therefore,

Treaſurer to advance him on loan 4000l.

Be it further enacted, That the treaſurer of this State ſhall be, and he is hereby authorized and directed, to advance on loan to the ſaid Joſiah G. Pierſon, out of any money in the treaſury not otherwiſe appropriated on the day herein before mentioned a ſum not exceeding four thouſand pounds.

Reciting that John Boyd hath alſo prayed a loan from the State.

AND WHEREAS John Boyd hath repreſented to the Legiſlature that a valuable ſet of works for the making ſcythes erected by him in the town of New Windſor, in the county of Ulſter, have been deſtroyed by fire, and he hath alſo prayed for a loan of money from the State to enable him to re-eſtabliſh and carry on the ſaid manufactory. Therefore

Treaſurer to advance him on loan 1500l.

BE *it further enacted*, That the Treaſurer of this State ſhall be and he is hereby authorized and directed out of any money in the Treaſury not otherwiſe appropriated on the day herein before mentioned to advance on loan to the ſaid John Boyd a ſum not exceeding fifteen hundred pounds.

Proviſo.

Provided, That the ſaid James Campbell, Joſiah G. Pierſon and John Boyd ſhall previous to receiving any of the monies directed to be paid by virtue of this act ſeverally enter into bond to the People of the State of New York conditioned for the faithful payment of ſuch ſum of money as ſhall be loaned to either of the ſaid perſons in manner aforeſaid in ſix years from the date of the ſaid obligation together with intereſt annually for the ſame at the rate of ſix per cent per annum, and that the ſaid James Caldwell, Joſiah G. Pierſon and John Boyd ſhall alſo ſeverally execute to the ſaid Treaſurer good and ſufficient mortgages upon ſuch unincumbered real eſtate as the ſaid Treaſurer together with the Attorney General and Surveyor General, or together with either of them ſhall think ſufficient excluſive of any buildings erected on the ſame) for ſecuring the ſum of money loaned by this act to each of the ſaid perſons as aforeſaid, with the intereſt on the ſame as aforeſaid, which ſaid mortgages the Treaſurer is hereby directed to get duly recorded and to hold the ſame for the uſe of the People of this State.

Further proviſo.

And provided alſo that before any money ſhall be advanced on loan as herein before directed, the ſaid James Caldwell, Joſiah G. Pierſon and John Boyd ſhall ſeverally give ſuch ſecurity to the Treaſurer as he ſhall deem ſufficient that the money received by them reſpectively in virtue of this act ſhall, bona fide, be applied to the purpoſe of proſecuting their ſeveral manufactories within this State.

CHAP. XLVI.

An ACT *for the relief of Paul Schenck.* Paſſed the 6th of April, 1795.

Preamble reciting that 635 : 4 : 2 is due to Paul Schenck.

WHEREAS it appears that the principal ſum of ſix hundred and thirty five pounds four ſhillings and two pence is due from this State to Paul Schenck of the town of Poughkeepſie merchant, as ſurvivor of Paul Schenck and John I. Schenck deceaſed for ſervices performed and ſupplies furniſhed by the ſaid Paul and John I. Schenck, for the uſe of certain troops of the United States during the late war, and that the ſaid ſum has been credited to this State in account with the United States :— Therefore

Treaſurer to pay the ſaid ſum to ſaid Schenck with intereſt.

BE **it enacted** *by the People of the State of New-York repreſented in Senate and Aſſembly*, That the Treaſurer of this State be and he is hereby authorized and required to pay to the ſaid Paul Schenck or his lawful repreſentatives the ſaid ſum of ſix hundred and thirty five pounds four ſhillings and two pence, together with the intereſt thereof at the rate of five per centum per annum from the firſt day of January in the year one thouſand ſeven hundred and eighty ſeven, out of any monies in the Treaſury not otherwiſe appropriated in full compenſation for the ſaid ſupplies and ſervices.

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Provided however that the ſaid Paul Schenck before he ſhall be entitled to receive any of the ſaid monies ſhall give ſufficient ſecurity to the Treaſurer of this State, to be approved of by the ſaid Treaſurer, that he the ſaid Paul Schenck his heirs executors or adminiſtrators ſhall refund the ſaid monies with the intereſt thereof, if it ſhall hereafter appear that the legal repreſentatives of the ſaid John I. Schenck, or any of them are entitled to the ſame.

CHAP. XLVII.

An ACT *for the relief of James Monnell.* Paſſed the 6th of April, 1795.

Preamble reciting that the accounts of James Monnell aſſiſtant State agent were ſettled by the Auditor on erroneous principles.

WHEREAS the Auditor of this State on the fourteenth day of July in the year of our Lord one thouſand ſeven hundred and eighty five, ſettled the accounts of James Monnell one of the aſſiſtant State agents who thereupon received a certificate for the ballance appearing to be due to him on ſuch ſettlement: But it appears to the Legiſlature that the Auditor afterwards by direction of the committee appointed to adviſe him, ſettled the accounts of the other aſſiſtant State agents upon principles different from thoſe adopted in the ſaid ſettlement of the accounts of the ſaid James Monnell. In order therefore to do equal juſtice to the ſaid James Monnell,

Auditor to review ſaid accounts and to allow intereſt on any ballance that may be found due.

BE it enacted *by the People of the State of New-York repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That it ſhall and may be lawful for the Auditor of this State and he is hereby directed to review his ſaid ſettlement of the accounts of the ſaid James Monnell and to liquidate and ſettle the ſaid accounts of the ſaid James Monnell upon the ſame principles which prevailed in the ſettlement of the accounts of the other aſſiſtant State agents, and to allow him intereſt at the rate of five per cent per annum on the ballance that may appear to be due to him from the date of the ſaid former ſettlement. And the Treaſurer is hereby directed to pay to the ſaid James Monnell ſuch ſum as ſhall be certified by the ſaid Auditor to be due to him for principal and intereſt out of any money in the Treaſury not otherwiſe appropriated.

CHAP. XLVIII.

An ACT *for the relief of Daniel Outwater.* Paſſed the 6th of April, 1795.

Preamble reciting that Daniel Outwater hath long been confined in gaol on the ſuit of the People.

WHEREAS it appears that Daniel Outwater hath for a long time been confined in the gaol of Dutcheſs county by virtue of an execution iſſued out of the court of exchequer of this State on a judgment for one hundred pounds obtained againſt him in the ſaid court in favor of the People of this State on a recognizance conditioned for the appearance of the ſaid Daniel Outwater at a court of Oyer and Terminer to be held in and for the ſaid county, which recognizance was forfeited to the ſaid People.

Further recital.

AND WHEREAS the ſaid Daniel hath ſince appeared at the laſt court of Oyer and Terminer held in and for the ſaid county and anſwered to the charge for which he was ſo recognized to appear, and thereupon was acquitted from the ſaid charge, and the ſaid Daniel is altogether unable to pay the amount of the ſaid judgment or any part thereof:—Therefore

Sheriff of Dutcheſs county to releaſe him from impriſonment.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That it ſhall be lawful for the ſheriff of the ſaid county of Dutcheſs and he is hereby required to releaſe and diſcharge the ſaid Daniel from his ſaid impriſonment on the ſaid execution.

CHAP. XLIX.

An ACT *for the relief of the Repreſentative of Francois Duliepvre deceaſed.*

Paſſed the 6th of April, 1795.

Coroner of N. York to deliver to Pierre de Verry and Reinier John Van den Broeck certain goods which he had taken of Francois Duliepvre, found guilty of ſuicide.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That it ſhall be lawful for the coroner of the city and county of New-York and he is hereby required to deliver unto Pierre de Verry and Reinier, John Vanden Broeck, attornies of Michael Gaſmer executor of the laſt will and teſtament of Francois Duliepvre deceaſed, who by an inqueſt taken by the ſaid coroner was found guilty of ſuicide, all the good and chattles of the ſaid Francois Duliepvre, which were taken by the ſaid coroner into his poſſeſſion for the uſe of the People of this State in conſequence of the ſaid inqueſt.

CHAP. L.

An ACT *for the encouragement of Artillerymen in the City of New-York.*

Paſſed the 6th of April, 1795.

Preamble

WHEREAS it is of the higheſt importance to the ſecurity and defence of this State, that an effectual corps of artillery ſhould be in readineſs in the city of New-York, to man and protect the works in the ſaid city and its vicinity.

Further preamble.

And whereas it is expedient that encouragement ſhould be afforded by the legiſlature, as well to accompliſh this object, as to compenſate the men who engage in that ſervice for the extraordinary trouble and expenſe to which they are neceſſarily ſubjected;—Therefore,

Artillerymen in the city of N. York exempted from ſerving on grand or petit juries.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That any non-commiſſioned officer or private of any company of artillery within the city and county of New-York, who ſhall produce a certificate dated within three months of the then preſent time, ſigned by the captain of ſuch company, and counterſigned by the commandant of the regiment or brigade to which ſuch company belongs, that he belongs to ſuch company, ſhall not be compelled to ſerve on any grand or petit jury within this State.

and to have an abatement in taxes.

And be it further enacted, That it ſhall be the duty of the ſeveral aſſeſſors within the city and coun-

ty of New-York, whenever they have aſſeſſed the property of any non-commiſſioned officer or private as aforeſaid, or property for which he is bound to pay the taxes for the purpoſe of levying a tax to defray the contingent expenſes of the ſaid city and county, upon his producing ſuch certificate, to deduct from ſuch aſſeſſment the ſum of two hundred pounds, and the reſidue only ſhall be the ſum for which he ſhall be aſſeſſed.

And after ſerving 9 years to be exempted from all military duty.

And be it further enacted, That any non-commiſſioned officer or private as aforeſaid, who ſhall produce a certificate ſigned and counterſigned as aforeſaid, that he has ſerved faithfully in ſaid company for the term of nine years, to be computed from the time of his entering ſaid company after the paſſing of this act, ſhall for ever thereafter be exempted from all military ſervices within this State, unleſs in caſes of invaſion or inſurrection.

CHAP. LI.

An ACT *to enable the Mayor, Aldermen and Commonalty of the City of New-York, to raiſe by Lottery, a ſum not exceeding ten thouſand pounds for the purpoſes therein mentioned.*

Paſſed the 6th of April, 1795.

Preamble reciting that the mayor aldermen and commonalty of N. York have prayed leave to raiſe 10000l. by lottery for erecting certain public buildings.

WHEREAS the mayor aldermen and commonalty of the city of New-York, by their petition have repreſented to the legiſlature, that the building appropriated for the reception of the poor and indigent inhabitants of the ſaid city are ſo decayed, that it will be difficult, if not impoſſible to accommodate with any degree of comfort thoſe perſons whoſe unfortunate lot it may be to be placed therein during the enſuing winter, and that they have with the monies raiſed by tax on the ſaid city, provided a conſiderable quantity of materials for the purpoſe of erecting a new building; but by reaſon of the expenſive and neceſſary annual improvements in the ſaid city ſince the late war, which have been borne by the inhabitants thereof with great cheerfulneſs, it would be too great a burden on them to raiſe the monies which will be required for the erection of this neceſſary building by an immediate tax, and have therefore prayed that a law may be paſſed to authoriſe them to raiſe a ſum not exceeding ten thouſand pounds by lottery.

Further recital.

And whereas the ſaid city from its ſituation is neceſſarily the recepticle of a greater proportion of paupers than any other city or county within this State, and the erection of ſuch a building in the ſaid city would be highly beneficial to the ſame, and it is but juſt and reaſonable, that conſidering the great burdens heretofore borne by the ſaid inhabitants for the improvement of the ſaid city, that relief ſhould be offered to the ſaid city in the manner prayed for:—Therefore,

10,000l. to be raiſed by lottery for erecting ſaid building.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the mayor, aldermen and commonalty of the city of New-York, to raiſe a ſum not exceeding ten thouſand pounds by a lottery to be made for that purpoſe, and to apply the proceeds thereof to the diſcharge of the expenſes to ariſe for the erection of the ſaid building: And in order to carry ſuch lottery into effect,

proper perſons to be appointed to manage ſaid lottery.

Be it further enacted, That it ſhall and may be lawful for the ſaid mayor, aldermen and commonalty of the city of New-York, to employ ſuch fit perſon or perſons under them to ſell the tickets and manage the ſaid lottery, in ſuch way, and under ſuch regulations as they ſhall judge proper.

Penalty for forging or counterfeiting any of the tickets in ſaid lottery.

And be it further enacted, That if any perſon or perſons ſhall forge or counterfeit any ticket or tickets to be made in virtue of this act, or alter any number thereof, or utter or offer for ſale, or ſell to any perſon or perſons any forged or counterfeited ticket or tickets, or any ticket or tickets whereof the number is altered, knowing them to be ſuch, or bring the ſame to any of the managers with an intent to defraud the ſaid mayor, aldermen and commonalty of the city of New-York, or any adventurer in the ſaid lottery; every ſuch perſon or perſons being thereof convicted according to the due courſe of law, ſhall be adjudged a felon, and ſuffer the puniſhment of confinement in priſon during his natural life.

Report of the progreſs of ſaid lottery to be made to the Legiſlature.

And be it further enacted, That the ſaid mayor, aldermen and commonalty of the city of New-York, ſhall report to the legiſlature at their next meeting, the ſtate and progreſs of the ſaid lottery, and to every ſucceeding legiſlature until the object of the ſaid lottery ſhall be accompliſhed.

CHAP. LII.

An ACT *relative to Roads and Highways in the City of Hudſon.*

Paſſed the 6th of April, 1795.

Preamble

WHEREAS the mayor, recorder, aldermen and commonalty of the city of Hudſon, have by their petition repreſented that it would promote the intereſt of the inhabitants of the ſaid city, that a law ſhould be paſſed enabling the ſaid mayor, recorder, aldermen and commonalty to raiſe a ſum of money by tax, inſtead of aſſeſſing days labor, for the purpoſe of making, repairing and improving the roads and highways within the ſaid city:—Therefore,

Mayor, recorder &c. of Hudſon annually to raiſe a ſum of money for improving the roads and highways.

BE **it enacted** *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the mayor, recorder aldermen and commonalty of the city of Hudſon, in common council convened, or a major part of them, to raiſe a ſum of money annually upon the freeholders and inhabitants of the ſaid city, not exceeding the ſum of three hundred pounds, for the purpoſe of making, repairing and improving the roads and highways therein, to be aſſeſſed, collected and paid in ſuch manner as the other contingent charges of the ſaid city are directed by law to be aſſeſſed, collected and paid: Provided nevertheleſs,

No more than 6l. in one year to be levied on any one perſon.

And be it further enacted, That any tax to be aſſeſſed by virtue of this act on the freeholders and inhabitants of the ſaid city, ſhall in no inſtance be more than ſix pounds for any one individual in one year.

Term of continuance of this act.

And be it further enacted, That this act ſhall continue and remain in force for the term of four years and no longer, from and after the paſſing the ſame.

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Provided however that the ſaid Paul Schenck before he ſhall be entitled to receive any of the ſaid monies ſhall give ſufficient ſecurity to the Treaſurer of this State, to be approved of by the ſaid Treaſurer, that he the ſaid Paul Schenck his heirs executors or adminiſtrators ſhall refund the ſaid monies with the intereſt thereof, if it ſhall hereafter appear that the legal repreſentatives of the ſaid John I. Schenck, or any of them are entitled to the ſame.

CHAP. XLVII.

An ACT *for the relief of James Monnell.* Paſſed the 6th of April, 1795.

Preamble reciting that the accounts of James Monell aſſiſtant State agent were ſettled by the Auditor on erroneous principles.

WHEREAS the Auditor of this State on the fourteenth day of July in the year of our Lord one thouſand ſeven hundred and eighty five, ſettled the accounts of James Monnell one of the aſſiſtant State agents who thereupon received a certificate for the ballance appearing to be due to him on ſuch ſettlement: But it appears to the Legiſlature that the Auditor afterwards by direction of the committee appointed to adviſe him, ſettled the accounts of the other aſſiſtant State agents upon principles different from thoſe adopted in the ſaid ſettlement of the accounts of the ſaid James Monnell. In order therefore to do equal juſtice to the ſaid James Monnell,

Auditor to review ſaid accounts and to allow intereſt on any ballance that may be found due.

BE it enacted *by the People of the State of New-York repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That it ſhall and may be lawful for the Auditor of this State and he is hereby directed to review his ſaid ſettlement of the accounts of the ſaid James Monnell and to liquidate and ſettle the ſaid accounts of the ſaid James Monnell upon the ſame principles which prevailed in the ſettlement of the accounts of the other aſſiſtant State agents, and to allow him intereſt at the rate of five per cent per annum on the ballance that may appear to be due to him from the date of the ſaid former ſettlement. And the Treaſurer is hereby directed to pay to the ſaid James Monnell ſuch ſum as ſhall be certified by the ſaid Auditor to be due to him for principal and intereſt out of any money in the Treaſury not otherwiſe appropriated.

CHAP. XLVIII.

An ACT *for the relief of Daniel Outwater.* Paſſed the 6th of April, 1795.

Preamble reciting that Daniel Outwater hath long been confined in gaol on the ſuit of the People.

WHEREAS it appears that Daniel Outwater hath for a long time been confined in the gaol of Dutcheſs county by virtue of an execution iſſued out of the court of exchequer of this State on a judgment for one hundred pounds obtained againſt him in the ſaid court in favor of the People of this State on a recognizance conditioned for the appearance of the ſaid Daniel Outwater at a court of Oyer and Terminer to be held in and for the ſaid county, which recognizance was forfeited to the ſaid People.

Further recital.

AND WHEREAS the ſaid Daniel hath ſince appeared at the laſt court of Oyer and Terminer held in and for the ſaid county and anſwered to the charge for which he was ſo recognized to appear, and thereupon was acquitted from the ſaid charge, and the ſaid Daniel is altogether unable to pay the amount of the ſaid judgment or any part thereof:—Therefore

Sheriff of Dutcheſs county to releaſe him from impriſonment.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That it ſhall be lawful for the ſheriff of the ſaid county of Dutcheſs and he is hereby required to releaſe and diſcharge the ſaid Daniel from his ſaid impriſonment on the ſaid execution.

CHAP. XLIX.

An ACT *for the relief of the Repreſentative of Francois Duliepvre deceaſed.*

Paſſed the 6th of April, 1795.

Coroner of N. York to deliver to Pierre de Verry and Reinier John Vanden Broeck certain goods which he had taken of Francois Duliepvre, found guilty of ſuicide.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That it ſhall be lawful for the coroner of the city and county of New-York and he is hereby required to deliver unto Pierre de Verry and Reinier, John Vanden Broeck, attornies of Michael Gaſmer executor of the laſt will and teſtament of Francois Duliepvre deceaſed, who by an inqueſt taken by the ſaid coroner was found guilty of ſuicide, all the good and chattles of the ſaid Francois Duliepvre, which were taken by the ſaid coroner into his poſſeſſion for the uſe of the People of this State in conſequence of the ſaid inqueſt.

CHAP. L.

An ACT *for the encouragement of Artillerymen in the City of New-York.*

Paſſed the 6th of April, 1795.

Preamble

WHEREAS it is of the higheſt importance to the ſecurity and defence of this State, that an effectual corps of artillery ſhould be in readineſs in the city of New-York, to man and protect the works in the ſaid city and its vicinity.

Further preamble.

And whereas it is expedient that encouragement ſhould be afforded by the legiſlature, as well to accompliſh this object, as to compenſate the men who engage in that ſervice for the extraordinary trouble and expenſe to which they are neceſſarily ſubjected;—Therefore,

Artillerymen in the city of N. York exempted from ſerving on grand or petit juries.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That any non-commiſſioned officer or private of any company of artillery within the city and county of New-York, who ſhall produce a certificate dated within three months of the then preſent time, ſigned by the captain of ſuch company, and counterſigned by the commandant of the regiment or brigade to which ſuch company belongs, that he belongs to ſuch company, ſhall not be compelled to ſerve on any grand or petit jury within this State.

and to have an abatement in taxes.

And be it further enacted, That it ſhall be the duty of the ſeveral aſſeſſors within the city and coun-

ty of New-York, whenever they have aſſeſſed the property of any non-commiſſioned officer or private as aforeſaid, or property for which he is bound to pay the taxes for the purpoſe of levying a tax to defray the contingent expenſes of the ſaid city and county, upon his producing ſuch certificate, to deduct from ſuch aſſeſſment the ſum of two hundred pounds, and the reſidue only ſhall be the ſum for which he ſhall be aſſeſſed.

And after ſerving 9 years to be exempted from all military duty.

And be it further enacted, That any non-commiſſioned officer or private as aforeſaid, who ſhall produce a certificate ſigned and counterſigned as aforeſaid, that he has ſerved faithfully in ſaid company for the term of nine years, to be computed from the time of his entering ſaid company after the paſſing of this act, ſhall for ever thereafter be exempted from all military ſervices within this State, unleſs in caſes of invaſion or inſurrection.

CHAP. LI.

An ACT *to enable the Mayor, Aldermen and Commonalty of the City of New-York, to raiſe by Lottery, a ſum not exceeding ten thouſand pounds for the purpoſes therein mentioned.*

Paſſed the 6th of April, 1795.

Preamble reciting that the mayor aldermen and commonalty of N. York have prayed leave to raiſe 10000l. by lottery for erecting certain public buildings.

WHEREAS the mayor aldermen and commonalty of the city of New-York, by their petition have repreſented to the legiſlature, that the building appropriated for the reception of the poor and indigent inhabitants of the ſaid city are ſo decayed, that it will be difficult, if not impoſſible to accommodate with any degree of comfort thoſe perſons whoſe unfortunate lot it may be to be placed therein during the enſuing winter, and that they have with the monies raiſed by tax on the ſaid city, provided a conſiderable quantity of materials for the purpoſe of erecting a new building; but by reaſon of the expenſive and neceſſary annual improvements in the ſaid city ſince the late war, which have been borne by the inhabitants thereof with great cheerfulneſs, it would be too great a burden on them to raiſe the monies which will be required for the erection of this neceſſary building by an immediate tax, and have therefore prayed that a law may be paſſed to authoriſe them to raiſe a ſum not exceeding ten thouſand pounds by lottery.

Further recital.

And whereas the ſaid city from its ſituation is neceſſarily the recepticle of a greater proportion of paupers than any other city or county within this State, and the erection of ſuch a building in the ſaid city would be highly beneficial to the ſame, and it is but juſt and reaſonable, that conſidering the great burdens heretofore borne by the ſaid inhabitants for the improvement of the ſaid city, that relief ſhould be offered to the ſaid city in the manner prayed for:—Therefore,

10,000l. to be raiſed by lottery for erecting ſaid building.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the mayor, aldermen and commonalty of the city of New-York, to raiſe a ſum not exceeding ten thouſand pounds by a lottery to be made for that purpoſe, and to apply the proceeds thereof to the diſcharge of the expenſes to ariſe for the erection of the ſaid building: And in order to carry ſuch lottery into effect,

proper perſons to be appointed to manage ſaid lottery.

Be it further enacted, That it ſhall and may be lawful for the ſaid mayor, aldermen and commonalty of the city of New-York, to employ ſuch fit perſon or perſons under them to ſell the tickets and manage the ſaid lottery, in ſuch way, and under ſuch regulations as they ſhall judge proper.

Penalty for forging or counterfeiting any of the tickets in ſaid lottery.

And be it further enacted, That if any perſon or perſons ſhall forge or counterfeit any ticket or tickets to be made in virtue of this act, or alter any number thereof, or utter or offer for ſale, or ſell to any perſon or perſons any forged or counterfeited ticket or tickets, or any ticket or tickets whereof the number is altered, knowing them to be ſuch, or bring the ſame to any of the managers with an intent to defraud the ſaid mayor, aldermen and commonalty of the city of New-York, or any adventurer in the ſaid lottery; every ſuch perſon or perſons being thereof convicted according to the due courſe of law, ſhall be adjudged a felon, and ſuffer the puniſhment of confinement in priſon during his natural life.

Report of the progreſs of ſaid lottery to be made to the Legiſlature.

And be it further enacted, That the ſaid mayor, aldermen and commonalty of the city of New-York, ſhall report to the legiſlature at their next meeting, the ſtate and progreſs of the ſaid lottery, and to every ſucceeding legiſlature until the object of the ſaid lottery ſhall be accompliſhed.

CHAP. LII.

An ACT *relative to Roads and Highways in the City of Hudſon.*

Paſſed the 6th of April, 1795.

Preamble

WHEREAS the mayor, recorder, aldermen and commonalty of the city of Hudſon, have by their petition repreſented that it would promote the intereſt of the inhabitants of the ſaid city, that a law ſhould be paſſed enabling the ſaid mayor, recorder, aldermen and commonalty to raiſe a ſum of money by tax, inſtead of aſſeſſing days labor, for the purpoſe of making, repairing and improving the roads and highways within the ſaid city:—Therefore,

Mayor, recorder &c. of Hudſon annually to raiſe a ſum of money for improving the roads and highways.

BE **it enacted** *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That it ſhall and may be lawful for the mayor, recorder aldermen and commonalty of the city of Hudſon, in common council convened, or a major part of them, to raiſe a ſum of money annually upon the freeholders and inhabitants of the ſaid city, not exceeding the ſum of three hundred pounds, for the purpoſe of making, repairing and improving the roads and highways therein, to be aſſeſſed, collected and paid in ſuch manner as the other contingent charges of the ſaid city are directed by law to be aſſeſſed, collected and paid: Provided nevertheleſs,

No more than 6l. in one year to be levied on any one perſon.

And be it further enacted, That any tax to be aſſeſſed by virtue of this act on the freeholders and inhabitants of the ſaid city, ſhall in no inſtance be more than ſix pounds for any one individual in one year.

Term of continuance of this act.

And be it further enacted, That this act ſhall continue and remain in force for the term of four years and no longer, from and after the paſſing the ſame.

A. D. 1795.
Ind. U. S. XIX.

CHAP. LIII.

An ACT *for the preſervation of the Fiſhery in that part of Croton River which lies in the County of Weſtcheſter.* Paſſed the 6th of April, 1795.

Preamble.

WHEREAS it hath been repreſented by the petition of a number of the inhabitants of the county of Weſtcheſter, living near Croton river, that the common privilege of taking fiſh in the ſaid river, is greatly obſtructed by ſetting nets and fikes acroſs the ſaid river between ſun ſet and ſun riſe in the months of April and May, in every year, whereby the free paſſage of fiſh up the ſaid river is greatly obſtructed; for remedy whereof,

Any perſon who ſhall between ſun ſet and ſun riſe at certain ſeaſons of the year ſet any net acroſs Croton river to pay 40s. penalty.

BE **it enacted** *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That if any perſon or perſons ſhall between ſunſet and ſun riſe in the months of April and May in any year hereafter, ſet or place any net or fike, or cauſe the ſame to be ſet or placed in or acroſs that part of Croton river which is in the county of Weſtcheſter, ſhall for every ſuch offence forfeit and pay the ſum of forty ſhillings, to be recovered by action of debt, with coſts of ſuit, by any perſon or perſons who will proſecute for the ſame before any juſtice of the peace in and for the ſaid county, the one half of which ſum when ſo recovered ſhall be for the uſe of the poor of the town where the offence ſhall be committed, and the other half for the uſe of the perſon or perſons proſecuting for the ſame.

CHAP. LIV.

An ACT *for the relief of Samuel Waterhouſe and others.* Paſſed the 6th of April, 1795.

Preamble reciting that certain lands purchaſed by Sam. Waterhouſe & others from certain public commiſſioners of this State have fallen within the ſtate of Vermont.

WHEREAS Samuel Waterhouſe, Abraham Waterhouſe, Abraham Waterhouſe junior, Joſiah Waterhouſe, Roſwell Hopkins and Iſaac Hopkins, did on the twenty ninth day of January, one thouſand ſeven hundred and eighty two, purchaſe of Chriſtopher Yates and John Lanſing junior, commiſſioners for procuring a ſum in ſpecie, ſix ſeveral tracts of land each containing five hundred acres, being part of a tract of land ſituated in the county of Waſhington, commonly called Skeens little patent, and paid into the treaſury of this State the ſum of one hundred and ſeventy five pounds for each of the ſaid tracts, being at the rate of ſeven ſhillings per acre. *And whereas* the quantity of one thouſand three hundred and twenty one acres of the ſaid land, being part of each of the ſaid five hundred acre tracts, is held and claimed under, and has become part of the State of Vermont, ſo that the ſaid purchaſers have loſt the ſame; and it being proper that retribution ſhould be made to the purchaſers aforeſaid: Therefore,

Treaſurer to pay to the judges of the court of common pleas for the county of Waſhington 462: 7 with intereſt, and they to divide the ſame between the ſaid Samuel Waterhouſe and others in certain proportion.

BE **it enacted**, *by the people of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That the treaſurer of this State be, and he is hereby directed out of any monies now in the treaſury not otherwiſe appropriated, to pay unto the judges of the court of common pleas for the county of Waſhington, or the major part of them, or to their order, the ſum of four hundred and ſixty two pounds ſeven ſhillings, with the intereſt thereon, at and after the rate of five per cent per annum, to be computed from the time the ſaid purchaſe money was paid into the treaſury as aforeſaid; and the ſaid judges or the major part of them, ſhall divide the ſame among them the ſaid Samuel Waterhouſe, Abraham Waterhouſe, Abraham Waterhouſe junior, Joſiah Waterhouſe Roſwell Hopkins, and Iſaac Hopkins, or their aſſigns, in proportion to the land ſo loſt by them reſpectively as aforeſaid, and ſhall take from them reſpectively or from the perſon or perſons entitled under them to the lands ſo loſt, a releaſe of their eſtate, right and title therein to the people of the State of New-York, and depoſit the ſame releaſes in the office of the treaſurer of this State.

Said ſum to be conſidered as a full compenſation for the land ſo purchaſed.

And be it further enacted by the authority aforeſaid, That the ſums ſo allowed as aforeſaid, to the ſaid Samuel Waterhouſe, Abraham Waterhouſe, Abraham Waterhouſe, Jun. Joſiah Waterhouſe, Roſwell Hopkins and Iſaac Hopkins, ſhall be conſidered as a full compenſation for the lands ſo purchaſed by them reſpectively, and ſo held under the State of Vermont, as aforeſaid.

CHAP. LV.

An ACT *relative to the Academy in the town of Schenectady.*

Paſſed the 6th of April, 1795.

Preamble.

WHEREAS the Corporation known by the name of "*The Truſtees of the Academy, of the town of Schenectady*," have by their petition preſented to the Legiſlature, prayed that an act might be paſſed, authorizing them to transfer and convey in legal form, for the uſe of the College herein after mentioned, all and ſingular the property, real and perſonal belonging to them, and that thereafter the ſaid Corporation may ceaſe. Therefore,

Corporation of Schenectady academy empowered to convey their real eſtate &c. to the truſtees of Union College

BE **it enacted** *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall be lawful for the ſaid Corporation, to grant convey and aſſign all and ſingular, the meſſuages, lands, tenements and other real eſtate, and all and ſingular the monies, ſpecialties, effects, and other perſonal eſtate, held and poſſeſſed by them, to the Corporation lately created, and known by the name of "*the Truſtees of Union College, in the town of Schenectady, in the State of New-York*," and their ſucceſſors and aſſigns forever, to and for the uſe of the ſaid College, and from and immediately after ſuch grant, conveyance and aſſignment, the ſaid Corporation firſt above named ſhall ceaſe.

CHAP. LVI.

An ACT *concerniug the money paid into the Treaſury of this State, by the State of Vermont.*

Paſſed the 6th of April, 1795.

Preamble reciting that certain perſons were empowered to

WHEREAS by an act, entitled, "An act appointing commiſſioners with power to declare the conſent of the Legiſlature of this State, that a certain territory, within the juriſdiction thereof,

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ſhould be formed into a new State," certain perſons therein named, were appointed commiſſioners with full power, or any four or more of them in their diſcretion, as they ſhould judge the peace and intereſt of the United States in general, and of this State in particular to require the ſame, and on ſuch terms and conditions, and in ſuch manner and form as they ſhould judge neceſſary and proper, to declare the conſent of the Legiſlature of this State; that ſuch diſtrict or territory within the juriſdiction, and in the north eaſtern and northern parts thereof, as the ſaid commiſſioners ſhall judge moſt convenient, ſhould be formed and erected into a new State, and with farther full power to treat, conclude and agree with any perſon or perſons, or any aſſemblies or bodies of people touching the premiſes, or touching the ceding or relinquiſhing the juriſdiction of this State, over ſuch diſtrict or territory, or touching the ſecuring, or confirming the rights, titles, or poſſeſſions of lands within ſuch diſtrict or territory, held or claimed under grants from the State of New-Hampſhire, while a colony, or under grants, ſales or locations, made by the authority of the government or juriſdiction, then exiſting and exerciſed in the north eaſtern parts of this State, under the name and ſtile of the State of Vermont, againſt perſons claiming the ſame lands, under grants from this State while a colony, or ſince the independence thereof, and it was thereby further enacted, that whatever ſtipulations ſhould be made by the Commiſſioners appointed by that act, with any perſon or perſons, or any aſſemblies or bodies of people touching the premiſes, or touching the ceding or relinquiſhing the juriſdiction of this State, over ſuch diſtrict or territory, or touching the ſecuring of rights, titles or poſſeſſions of lands within ſuch diſtrict, for a compenſation for extinguiſhing the claims to lands within ſuch diſtrict, as derived under the late colony of New-York, ſhould be for the uſe of ſuch claimants, although in ſuch ſtipulations, ſuch compenſation ſhould be declared to be for the uſe of this State, or for the people thereof: And whereas ſix of the ſaid commiſſioners, by their certain act, bearing date the ſeventh day of October, in the year of our Lord, one thouſand ſeven hundred and ninety, did among other things declare, that the Legiſlature of the ſtate of Vermont ſhould, on or before the firſt day of January, one thouſand ſeven hundred and ninety-two, declare that on or before the firſt day of June, one thouſand ſeven hundred and ninety-four, the ſaid ſtate of Vermont would pay to the ſtate of New-York, the ſum of thirty thouſand dollars, that immediately from ſuch declaration by the Legiſlature of the ſtate of Vermont, all rights and titles to land within the ſtate of Vermont, under grants from the government, under the late colony of New-York, or from the ſtate of New-York, except where the grants from New-York were intended, as confirmations of grants from New-Hampſhire ſhould ceaſe: And whereas the Legiſlature of the ſaid ſtate of Vermont, by an act paſſed the twenty eighth day of October, in the year of our Lord, one thouſand ſeven hundred and ninety, did enact, that the ſaid ſtate of Vermont ſhould, on or before the ſaid firſt day of June, one thouſand ſeven hundred and ninety-four, pay the ſtate of New-York the ſaid thirty thouſand dollars; and whereas a conſiderable part of the ſaid ſum of money hath been already paid to the Treaſurer of the ſtate of New-York, and is now in the Treaſury of the ſame ſtate; in order therefore, to make a juſt and equitable diſtribution of the ſaid money ſo paid, or hereafter to be paid, among the claimants to lands in the ſaid ſtate of Vermont, under grants from the late colony of New-York.

cede a certain part of this State to Vermont on ſuch conditions as they ſhould think proper.

Reciting further that the State of Vermont by agreement was to pay 30,000 dollars to this State.

and that a conſiderable part of the ſum has been actually paid.

Be it enacted, *by the people of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That Robert Yates, John Lanſing, jun. and Abraham Van Veghten be, and they are hereby appointed commiſſioners, to hear and determine all claims to lands in the ſaid ſtate of Vermont, under grants from the late colony of New-York, not intended as confirmations of grants from New-Hampſhire, and that it ſhall and may be lawful for the ſaid commiſſioners, or the majority of them, to hear and determine the ſaid ſeveral claims, and to aſcertain what proportion, if any, each claimant ought to receive of the ſaid money, ſo paid by the ſaid ſtate of Vermont, and to give them certificates thereof; and the treaſurer of this ſtate is hereby required to pay the ſum mentioned in each of the ſaid certificates to the perſon therein named. *Provided always,* that no part of the ſaid money ſhall be certified as due to the people of this ſtate, for any lands forfeited to their uſe by the attainder or conviction of any former proprietor, but that the ſame ſhall be divided, *pro rata,* between the individual claimants, whoſe claims ſhall be allowed and certified accordingly.

Robert Yates and others appointed commiſſioners to determine all claims of citizens of this State to any of the lands ſo ceded as aforeſaid & to determine what proportion of ſaid 30,000 dols. each claimant ſhall receive.

Proviſo.

And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners or the majority of them ſhall, before they proceed to hear any of the ſaid claims cauſe advertiſements to be publiſhed in ſuch and ſo many of the newſpapers to be printed in the State of New York and in the State of Vermont as they may think proper, requiring the claimants to exhibit their claims on or before a certain day not leſs than nine months from the firſt publication of the ſaid advertiſements.

Commiſſioner to advertiſe when they will receive and examine ſuch claims.

And be it further enacted by the authority aforeſaid, That all claimants who ſhall not exhibit their claims to the ſaid commiſſioners within one year next after the firſt publication of the ſaid advertiſements ſhall be precluded from all compenſation whatſoever, other than minors, feme coverts and perſons inſane.

Claimants who do not deliver their claims by a certain day to be forever barred.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid commiſſioners or the majority of them at their diſcretion to examine the ſaid claimants, or any or either of them, or any other perſon upon oath concerning the ſaid claims, or any or either of them, or any matter or thing relating to the ſame.

Commiſſioners authoriſed to examine perſons on oath relative to ſuch claims.

And be it further enacted by the authority aforeſaid, That the determination of the ſaid commiſſioners, or the majority of them ſhall be binding and concluſive.

Determination of Commiſſioners to be binding.

And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners ſhall be allowed their reaſonable expences to be incurred in the execution of the duties enjoined by this act, to be liquidated by the Auditor of this State, and paid by the Treaſurer out of any monies in the Treaſury unappropriated, and ſhall be allowed ſuch farther compenſation as the Legiſlature ſhall hereafter direct.

Commiſſioners to be allowed their reaſonable expenſes and compenſation.

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CHAP. LVII.

An ACT *for the relief of certain perſons claiming lands in the patents therein mentioned.*

Paſſed the 7th of April, 1795.

Preamble reciting that the proprietors of Halfmoon and the proprietors of Kayaderoſſeres patents petitioned to bring in a bill for ſettling their diſputes about boundaries.

WHEREAS certain perſons claiming to be proprietors of a tract of land in the county of Saratoga commonly called Anthony Van Schaick's or the Halfmoon patent of the one part, and certain agents for other perſons claiming to be proprietors of the tract of land commonly called the patent of Kayaderoſſeres, did petition the Legiſlature on the 11th day of December 1792, in the words following, to wit, "To the honorable the Legiſlature of the State of New York in Senate and Aſſembly convened. The petition of the ſubſcribers proprietors of the patent of Anthony Van Schaick and the agents for the proprietors of the patent of Kayaderoſſeres, humbly ſheweth, that controverſies have ariſen between the claimants of the ſaid patent of Van Schaick and the claimants under the ſaid patent of Kayaderoſſeres touching the boundary lines between the ſaid patents, and which ſaid boundary lines are very extenſive and controverted. That the proſecution of ſuits in the ordinary courſe of law to a final deciſſion on the titleand property of the whole of the lands in controverſy will be attended with great expenſe and delay and a manifeſt injury both to the intereſt of the individual claimants, and to the peace and weal of the community, and ſuch final deciſion on one trial or inquiry cannot be had under a voluntary compact between parties by reaſon of coverture and infancy of many of the claimants under the ſaid patents without the aid of the Legiſlature. That your petitioners lately entered into an agreement, a copy whereof is ſubjoined to this petition. Your petitioners therefore humbly pray that they may have leave to bring into one of your honorable houſes a bill conformably to the ſaid agreement, and that the ſame may afterwards paſs into a law—and your petitioners will ever pray." Which petition and agreement was ſubſcribed "Dirck Lefferts, James I. Beekman, Daniel Campbell, Nicholas Low, Chriſtina Van Schaick, Jacob C. Ten Eyck, Anna Ten Broeck, Gerritje Faulkener, Conradt A. Ten Eyck, Barent Ten Eyck, Peter Ganſevoort, Margretta Barcley, Catherine Bridgen, Charles Bridgen, attorney to Thomas B. Bridgen."

Reciting that the proprietors of Shanandhoi & the proprietors of Kayaderoſſeres patents petitioned to bring in a bill for ſettling their diſputes about boundaries.

AND WHEREAS another petition was preſented to the Legiſlature on the 14th day of February, 1793, in the words following, to wit: "To the honorable the Legiſlature of the State of New-York in Senate and Aſſembly convened, the petitions of the ſubſcribers part owners and agents of the patent called Shanandoi or Clifton park, of the patent called Van Schaicks, and of the patent called Kayaderoſſeres, humbly ſheweth, That controverſies have ariſen and do ſubſiſt between the ſaid ſeveral patents touching the boundary lines thereof which are extenſive and various. That the proſecution of ſuits in the ordinary courſe of law to a final deciſion of all the lands in controverſy will be attended with great expenſe and delay to the manifeſt injury of every individual concerned, and the peace and welfare of the community at large. That the petitioners have entered into an agreement (copy of which is hereunto annexed) to apply for legiſlative aid as by reaſon of coverture and the infancy of many, no final compact can be entered into by them ſo as to bind all the parties. Your petitioners therefore humbly pray that they may have leave to bring into one of your honorable houſes a bill in conformity to the ſaid agreement, and that the ſame may be paſſed into a law. And your petitioners will ever pray. January 30th, 1793." Which petition and agreement was ſubſcribed "Henry Gage by Peter Kemble and John Watts his attornies, Robert Watts, Abraham Lott, Abraham Lott for Samuel Huntington, Jacob C. Ten Eyck, Elizabeth Peebles, Margaret *her* X *mark* Barcley, Anna Ten Broeck, Peter Ganſevoort, Dirck Lefferts, James I. Beekman, Abraham Schuyler, Mark Beekman, Leonard Ganſevoort, John Ja. Beekman, Nanning H. Viſſcher, Daniel Campbell, Barent Ten Eyck." Whereupon the leave prayed for in the ſaid ſeveral petitions was granted, and an act entitled "An act to aſcertain and ſettle the limits and boundaries between the patents of Kayaderoſſeres, the patent commonly called the Halfmoon patent and the patent of Shanandhoi or Clifton park and to bind the title of the reſpective claimants," was paſſed on the 11th day of March, 1793, by which act Egbert Benſon, Samuel Jones, Jeſſe Woodhull, Cornelius C. Schoonmaker and Peter Cantine were appointed commiſſioners finally to aſcertain and determine the boundary lines of the ſaid reſpective patents; and by which act the ſaid commiſſioners or any three of them were authoriſed and empowered to hear and examine the ſaid controverſies and finally by writing under the hands and ſeals of them or any three of them to fix aſcertain and determine the boundary line or lines between the ſaid reſpective patents.

And that the prayer of the ſaid petitions was granted and a bill paſſed accordingly in which commiſſioners were appointed to ſettle the lines of boundary.

And that the ſaid commiſſioners did determine ſaid lines.

And whereas three of the ſaid commiſſioners, to wit, Egbert Benſon, Samuel Jones, and Peter Cantine, by writing under their hands and ſeals did as by the ſaid act directed fix aſcertain and determine certain lines as boundaries of the patents aforeſaid.

And that lands in the Halfmoon and Shanandhoi patents were leaſed & ſold to perſons not parties to ſaid petitions.

And whereas the proprietors of the ſaid patent of Anthony Van Schaick or the Halfmoon patent, and the proprietors of the patent of Shanandhoi or Clifton park, had, previous to ſuch agreements petitions and determination, as aforeſaid, leaſed part of the lands ſuppoſed to be within the ſaid patents for terms of years, for life and lives, and in fee; and had alſo ſold part of the lands ſuppoſed to be in one or both of the ſaid patents, and in due form of law had executed leaſes, and deeds of releaſe for the land ſo leaſed and ſold to ſundry perſons not being parties to the ſaid agreements and not ſubſcribing either of the ſaid petitions.

And that as the ſaid petitions were not publiſhed the ſaid leſſees & purchaſers had no opportunity to ſhew cauſe why the prayer of the ſaid petitions ſhould not be granted.

And whereas no public notice was given by the ſaid petitioners or any of them that they intended to apply, nor after ſuch application as aforeſaid, that they had applied to the Legiſlature for the purpoſes ſpecified in ſuch their agreement and petitions, for want of which notice the leſſees and purchaſers under the proprietors claiming lands in the ſaid patents of Anthony Van Schaick or the Halfmoon patent, and in the patent of Shanandhoi or Clifton park, had not an opportunity afforded them to ſhew cauſe why the prayer of the ſaid petitioners ſhould not be granted.

And whereas ſuch leſſees and purchaſers as aforeſaid and who were not previouſly adviſed of ſuch agreements and petitions have prayed for legiſlative relief in the premiſes. Therefore

And that they now pray relief.

BE **it enacted** *and declard by the People of the State of New-York, repreſented in Senate and Aſſembly,* That the title of no perſon whomſoever claiming lands in either of the ſaid patents by leaſe or by purchaſe in fee ſimple and who did not unite in an application to the Legiſlature for the act entitled "An act to aſcertain and ſettle the limits and boundaries between the patent of Kayaderoſſeres and the patent commonly called the Halfmoon patent, and the patent of Shanandhoi or Clifton park, and to bind the title of the reſpective claimants," paſſed the 11th March 1793, and who did not ſubſcribe ſuch agreements and petitions as aforeſaid ſhall be bound or any ways affected by the determination of the commiſſioners or any of them made in purſuance of the proviſions in the ſaid act contained, any thing in the ſaid act to the contrary notwithſtanding.

Perſons claiming any lands in ſaid patents either by leaſe or purchaſe who did not ſubſcribe ſaid petitions not to be affected by the determination of ſaid commiſſioners.

And be it further enacted, That nothing in this act contained ſhall be conſtrued deemed or taken to annul or render void any agreement which, ſubſequent to the determination of the commiſſioners aforeſaid, hath been made and entered into by and between the proprietors of the patent of Kayaderoſſeres or any of them with any perſon or perſons claiming lands under the patent of Anthony Van Schaick or the Halfmoon patent, or with any perſon or perſons claiming lands under the patent of Shanandhoi or Clifton park any thing in this act to the contrary hereof notwithſtanding.

This act not to make void any agreements made ſince the commiſſioners determination between the proprietors of Kayaderoſſeres and thoſe claiming under the other patents.

C H A P. LVIII.

An ACT *relative to certain confiſcated lands in the county of Saratoga.*

Paſſed the 8th of April, 1795.

Preamble reciting that an undivided third of certain lots in the patent of Kayaderoſſeres, were forfeited by the attainder of Iſaac Low, and are now in the poſſeſſion of certain perſons to whom it will be proper to give the right of pre-emption.

WHEREAS it has been repreſented to the Legiſlature that one undivided third part of lot number ſeven in the eighth allotment of the Kayaderoſſeres patent, and one undivided third part of lot number eight in the ſeventh allotment of the ſaid patent as the ſame is claimed ſurveyed and divided by and between the patentees of the ſaid patent, are forfeited to the People of this State by the attainder of Iſaac Low late of the city of New-York. That the ſaid lots have been ſettled and improved by ſundry perſons, and it being proper to give the preemption of the purchaſe of the ſaid undivided ſhares to the actual occupants thereof. Therefore,

Surveyor General directed to aſcertain who are the occupants and to ſell and quit claim to them an undivided third of ſaid lands.

Be it enacted *by the People of the State of New-York repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That the Surveyor General ſhall as ſoon as may be after the paſſing of this act aſcertain what occupants are in the actual poſſeſſion of the ſaid lot number ſeven; and what occupants are in the actual poſſeſſion of the ſaid lot number eight, and having ſo aſcertained ſhall ſell and quit claim on the part of the People of this State, the one undivided third part of the ſaid lot number ſeven to the actual ſettlers and occupants thereon as tenants in common in fee ſimple; and ſhall in like manner ſell and quit claim the one undivided third part of the ſaid lot number eight to the actual ſettlers and occupants thereon: *Provided* that immediately after the executing ſuch quit claims, the grantees therein reſpectively named ſhall execute mortgages for ſecuring to be paid to the People of this State the ſum of five hundred and ſixty eight dollars for the ſaid lot number ſeven, and the ſum of three hundred and three dollars for the ſaid lot number eight; both of which ſums ſhall be made payable on the firſt day of January one thouſand eight hundred and five, with intereſt at ſix per cent. per annum, the intereſt to be annually paid into the treaſury of this State, which mortgages ſhall be in like form as that preſcribed in the act entitled "An act for the relief of Nathaniel Mallory and others," and which mortgages ſhall be good and effectual in the law, and ſhall be preferred to all other charges and incumbrances whatſoever on the undivided ſhares in the ſaid lots ſo to be mortgaged made or ſuffered, or to be made or ſuffered by any ſuch mortgagor or mortgagors. *And provided alſo* that ſuch grantees as aforeſaid ſhall pay all the expences which ſhall accrue in the premiſes. And the Surveyor General ſhall cauſe the mortgages ſo to be taken to be proved or acknowledged and regiſtered according to law, and then deliver the ſame to the Treaſurer of this State.

Proviſo.
Grantees to execute mortgages to the State for ſecuring the payment of certain ſums.

Proviſo.

C H A P. LIX.

An ACT *for the relief of Peter Yates.* Paſſed the 8th of April, 1795.

Preamble reciting that a court martial was held in the year 1780 for trial of delinquents in certain militia regiments, and that P. Yates became reſponſible for certain expenſes thereby incurred.

WHEREAS a court martial was held by order of the Governor of this State, in the year one thouſand ſeven hundred and eighty, for the trial of certain delinquents in the regiments of militia then commanded by Colonel Lewis Van Woort, and Colonel Alexander Webſter: *And whereas* Colonel Peter Yates the Preſident of the ſaid court, became anſwerable to the perſons at whoſe houſes the ſaid court was held, for certain expenſes incurred by the members thereof, and which expenſes ought to have been paid out of the fines laid on the ſaid delinquents by the ſaid court; but before any of the ſaid fines could be collected, the inhabitants of Vermont extended their juriſdiction over the territory where the ſaid regiments reſided, which prevented the collection of the ſaid fines; and the ſaid expenſes have been demanded of the ſaid Peter Yates, and a ſuit or ſuits brought againſt him for the ſame or ſome part thereof:—Therefore,

Auditor to audit the ſame and Treaſurer to pay the amount.

BE **it enacted** *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That it ſhall and may be lawful for the Auditor of this State, to audit, liquidate and ſettle the accounts of the ſaid expenſes, and of the coſts and charges the ſaid Peter Yates has been put to by any ſuit or ſuits brought againſt him on account thereof, and to aſcertain and certify the ſum ſo due as aforeſaid. And the treaſurer is hereby directed to pay the amount thereof to the ſaid Peter Yates or his order.

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CHAP. LX.

An ACT *for the relief of Alexander Whaley and Abraham Mabie.*

Paſſed the 8th of April, 1795.

Treaſurer to pay to Alex. Whaley certain ſums of money.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame,* That it ſhall be lawful for the treaſurer of this State, and he is hereby directed to pay to Alexander Whaley, the ſum of four hundred and ſixty five pounds with lawful intereſt, from the twenty firſt day of March, one thouſand ſeven hundred and eighty five, in ſatisfaction of the money paid by him for twenty acres of land at Buſhwyck, in Kings county, purchaſed by him of the people of this State, and lately recovered from him by the heirs of Abraham Rapalje, deceaſed, and alſo the further ſum of one hundred and forty ſix pounds twelve ſhillings, for monies by him expended in defence of the ſaid lands, and for his coſts and diſburſements therein. *Provided always*, that the ſaid Alexander Whaley ſhall on payment of the ſaid money, deliver the conveyance for the ſaid twenty acres of land to the treaſurer of this State, and releaſe all his right, title and intereſt of and in the premiſes thereby conveyed to him, and all claim to any further compenſation for the ſame, to the people of this State.

Recitals to the following enacting clauſe.

And whereas Abraham Mabie purchaſed of the people of the State of New-York, a certain piece of land with mills thereon, lying in the county of Orange, which was forfeited by the attainder of Cornelius Mabie.

And whereas the ſaid Abraham Mabie, ſold the ſaid land and mills to a certain John D. Haring, and covenanted that the ſame were free from incumbrance.

And whereas two ſeveral ſuits have been commenced in the court of common pleas in the county of Orange, againſt the ſaid John D. Haring as tenant of ſaid land, for legacies chargeable on the ſaid land previous to the attainder of the ſaid cornelius Mabie, and judgments have been had thereon.

And whereas the amount of the ſaid judgments, with the coſts of ſuit have been paid by the ſaid Abraham Mabie to the ſaid John D. Haring:—Therefore,

Treaſurer to pay to Abraham Mabie certain ſums of money.

Be it further enacted by the authority aforeſaid, That it ſhall be lawful for the treaſurer of this State, and he is hereby directed to pay to the ſaid Abraham Mabie the ſum of one hundred and fifty two pounds eight ſhillings and four pence, with lawful intereſt for the ſame, from the third Tueſday in October, in the year one thouſand ſeven hundred and ninety three, it being the amount of the ſum recovered againſt the ſaid John D. Haring in the ſaid ſuits; and alſo the further ſum of twelve pounds fourteen ſhilling for monies by the ſaid John D. Haring expended in defending the ſaid ſuits, and for his coſts and diſburſements therein. *Provided* there be ſo much money in the treaſury ariſing from the ſale of the ſaid eſtate of the ſaid Cornelius Mabie.

CHAP. LXI.

An ACT *to Incorporate the Contributors of the New-York Diſpenſary.*

Paſſed the 8th of April, 1795

Preamble reciting that J. Rodgers and others are contributors to a diſpenſary in New-York.

WHEREAS it is repreſented to the legiſlature, that John Rodgers, John Henry Livingſton, Abraham Beach, John Watts, Mathew Clarkſon, Jacob Morton, Moſes Rodgers, John Charleton, Samuel Oſgood, Lawrence Embree, John Cozine, John Broom, and James Watſon and their aſſociates, inhabitants of the city of New-York, have become contributors to a Diſpenſary for the purpoſe of relieving ſuch ſick, poor and indigent perſons as are unable to procure medical aid. *And whereas* it is further repreſented that the ſaid contributors will by being incorporated be enabled to carry their benevolent intentions into more extenſive effect;—Therefore,

Said J. Rodgers and others incorporated by a certain name.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That the ſaid John Rodgers, John Henry Livingſton, Abraham Beach, John Watts, Mathew Clarkſon, Jacob Morton, Moſes Rodgers, John Charleton, Samuel Oſgood Lawrence Embree, John Cozine, John Broome and James Watſon, together with their aſſociates, being contributors to the ſaid Diſpenſary, and ſuch other perſons as ſhall hereafter become members of the corporation hereby erected, ſhall be and are hereby ordained, conſtituted and declared, to be one body corporate and politic, in fact and in name, by the name of "The Truſtees of the New-York Diſpenſary," and that by that name, they

And that by that name they may ſue and be ſued.

and their ſucceſſors for ever hereafter, ſhall and may have ſucceſſion and may by the ſaid name be perſons capable in the law to ſue and be ſued, implead and be impleaded, anſwer and be anſwered unto, defend and be defended, in all courts and places whatſoever, in all manner of action and actions, ſuits, complaints, matters and cauſes whatſoever, and that they and their ſucceſſors may have a common ſeal, and may change and alter the ſame at their pleaſure; and that they and their ſucceſſors by their ſaid name ſhall for ever hereafter, be perſons capable in the law, to purchaſe, take, hold, receive and enjoy to them and their ſucceſſors, any real eſtate whatſoever, and all other hereditaments of whatſoever nature, kind or quality they be, in fee ſimple, for term of life or lives, or in any other manner howſoever, and alſo any goods, chattles and perſonal eſtate whatſoever. *Provided always*, the yearly income of the ſaid real and perſonal eſtate and hereditaments, doth not at any time exceed the ſum of twelve hundred pound , current money of New-York. And that they and their ſucceſſors by the ſame name ſhall have full p wer and authority to leaſe the ſaid real eſtate and hereditaments on ſuch terms as they ſhall judge moſt beneficial, and alſo to diſpoſe of all ſuch perſonal eſtate at their will and pleaſure, as they ſhall judge moſt beneficial and advantageous to promote the humane purpoſes of the ſaid corporation.

And that they may have a common ſeal and hold real eſtate.

Proviſo.

Corporation to have 13 truſtees to manage its affairs and the firſt truſtees named.

And be it further enacted, That there ſhall be for ever hereafter thirteen truſtees of the ſaid corporation, who ſhall conduct and manage the affairs of the ſaid corporation; that the ſaid truſtees ſhall be contributors to the ſaid diſpenſary, actually reſident in the ſaid city of New-York, and the firſt

truſtees of the ſaid corporation, ſhall be John Rodgers, John Henry Livingſton, Abraham Beach, John Watts, Mathew Clarkſon, Jacob Morton, Moſes Rodgers, John Charleton, Samuel Oſgood, Lawrence Embree, John Cozine, John Broome and James Watſon, who ſhall hold their ſaid offices until the ſecond Monday in January next enſuing: and for keeping up the ſucceſſion in the ſaid offices.

Future truſtees how to be choſen.

Be it further enacted, That on the ſaid ſecond Monday in January next enſuing, and yearly and every year for ever thereafter on the ſecond Monday in January in every year, the members of the ſaid corporation ſhall meet at ſome convenient place in the city of New-York, to be fixed by the bye laws of the ſaid corporation, and there, by the majority of ſuch of them as ſhall ſo meet, ſhall by ballot elect thirteen of their members to be truſtees of the ſaid corporation for the year enſuing, who ſhall immediately enter upon their ſaid offices and hold the ſame from the time of ſuch election for and during the ſpace of one year, and until others ſhall be elected in their ſtead; and in caſe any of the ſaid perſons elected to be truſtees of the ſaid corporation, or who ſhall hereafter be elected thereto, ſhall die or remove out of the city of New-York before the time of their appointed ſervice ſhall expire, or ſhall refuſe or neglect to act in and execute the ſaid office, then and in every ſuch caſe, the remaining truſtees of the ſaid corporation, ſhall within thirty days thereafter, by ballot elect another or others of the members of the ſaid corporation, in the ſtead of him or them ſo dying or removing, refuſing or neglecting to act, and that ſuch perſon or perſons as ſhall have the greateſt number of votes at every ſuch election ſhall hold their ſaid offices from the time of ſuch election, until the ſecond Monday in January then next enſuing, and until other or others ſhall be choſen in his or their ſtead.

Truſtees when to meet and ſeven to form a quorum who may make bye laws, &c.

And be it further enacted, That the truſtees of the ſaid corporation ſhall regularly meet on the third Monday in every month, and at ſuch other times as they may judge expedient; and that any ſeven or more of the ſaid truſtees being ſo convened together, ſhall for ever hereafter be a legal meeting of the ſaid corporation, and that at any and every ſuch legal meeting of any ſeven or more of the truſtees of the ſaid corporation, it ſhall be lawful for them or a majority of them, to make ſuch bye laws, rules and regulations for the management and diſpoſal of the property and eſtate of the ſaid corporation, and the government of the ſaid diſpenſary, and the ſame or any part of them, to alter, amend or repeal from time to time as they or the major part of them ſo met ſhall think proper: *Provided*, ſuch bye laws, rules and regulations be not repugnant to the conſtitution and laws of the United States, or of this State, and that at any ſuch legal meeting of any ſeven or more of the ſaid truſtees of the ſaid corporation, it ſhall and may be lawful for them or the majority of them ſo met as aforeſaid, to nominate and appoint one of the ſaid truſtees of the ſaid corporation to be their preſident, and one other to be treaſurer, and any other competent perſon to be ſecretary of the ſaid corporation, and alſo to appoint ſo many phyſicians, ſurgeons, apothecaries, officers and ſervants, and with ſuch compenſations as to them ſhall ſeem meet, and whenever they ſhall think proper, to diſcharge them or any of them, and to appoint other or others in their ſtead.

Proviſo.

All perſons paying certain ſums to become members of ſaid corporation, & entitled to have a certain number of patients on the diſpenſary liſt.

And be it further enacted, That any male adult perſon, who ſhall contribute for the benefit of this Corporation, the ſum of five dollars, ſhall by virtue of ſuch contribution become a member thereof, and continue ſo to be, for the ſpace of one year, from and after the time of his making ſuch contribution, and any like perſon who ſhall contribute ten dollars for the like purpoſe, ſhall be a member thereof two years; and any like perſon who ſhall contribute any greater number of ſums, of five dollars each, not exceeding nine, ſhall be a member of the ſaid corporation, ſuch number of years not exceeding nine as ſhall be equal to the number of ſums of five dollars each, ſo by him contributed and any like perſon, who ſhall contribute fifty dollars for the like purpoſe, ſhall be a member of the ſaid corporation for life, and every contributor of the value of five dollars or upwards, ſhall be entitled to have ſuch number of patients (being proper objects of this inſtitution) on the diſpenſary liſt, and for ſuch term of time as ſhall be preſcribed by the bye laws of the Corporation.

Truſtees annually to exhibit to the Chancellor of this State an account of their real and perſonal eſtate, together with their expenditures in the preceding year.

And be it further enacted, That it ſhall be the duty of the truſtees of the corporation hereby created, to exhibit annually between the firſt and laſt days of May in each year, to the Chancellor of this ſtate, a full and particular account of all the eſtate both real and perſonal, then veſted in the ſaid corporation, and of the rent or income thereof, atteſted by the oath of the Treaſurer thereof, that the ſame is a true and perfect account, together with a particular and detailed account of all the monies expended by the ſaid corporation in the preceding year ſpecifying the ſeveral purpoſes to which it has been applied; and if it ſhall appear to the ſaid Chancellor, that the amount of the ſaid property, or the diſpoſal of the ſame is not agreeable to the true intent and meaning of this act; he ſhall report the ſame to the Legiſlature at their next enſuing ſeſſion.

This act declared to be a public act.

And be it further enacted, That this act ſhall be, and is hereby declared, to be a public act, and ſhall be conſtrued benignly and favourably, for every beneficial purpoſe herein intended.

CHAP. LXII.

An ACT *to enable the truſtees of* Southampton, *in the county of Suffolk, to fence acroſs a certain beach or highway, called Hogneck beach.*

Paſſed the 8th of April, 1795.

Preamble.

WHEREAS it has been repreſented to the Legiſlature, by the truſtees of the town of Southampton, in the county of Suffolk, that they have granted to the truſtees of the temporalities of the religious congregation at Sag-harbour in the ſaid town, a certain beach called Hog-neck beach, for the better enabling the ſaid religious congregation to ſupport the Goſpel, and that the ſaid beach is a highway, and that the ſaid meadow will be of little value to the ſaid religious congregation, unleſs the Truſtees of the ſaid town be enabled by law to fence acroſs the ſame. Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That it ſhall

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Truſtees of Southampton authorized to fence acroſs a certain beach called Hogneck-beach.

and may be lawful for the truſtees of the ſaid town of Southampton, to encloſe the ſaid beach and meadow, by fencing acroſs the ſame, at ſuch place or places as they ſhall deem moſt convenient. *Provided always*, That the ſaid truſtees ſhall keep and maintain good and ſufficient gates at every place where they may fence acroſs the ſaid beach, to be of ſuch dimenſions, and ſo conſtructed, that travellers, teams and carriages, may at all times be able to paſs through the ſame; and if any perſon or perſons ſhall break, injure, or leave open any or either of the ſaid gates, or ſhall break down the fence adjoining to the ſame, at any time when the ſaid meadow and beach may be encloſed as aforeſaid; every perſon ſo offending ſhall for every ſuch offence forfeit and pay the ſum of forty ſhillings, to be recovered by action of debt, with coſts of ſuit before any Juſtice of the peace, in and for the ſaid county; the one half of which ſum when ſo recovered, ſhall be paid to the overſeers of the poor of the ſaid town, to be applied to the ſupport of the poor in the ſaid town; and the other half ſhall be for the uſe of the perſon or perſons proſecuting for the ſame.

CHAP. LXIII.

An ACT *for the relief of Mary Morriſon and others.*

Paſſed the 8th of April, 1795.

Preamble reciting that Mary Morriſon widow of Malcom Morriſon hath petitioned for her right of dower in the forfeited eſtate of her ſaid huſband.

WHEREAS Mary Morriſon, widow of Malcom Morriſon deceaſed, whoſe eſtate became forfeited to the people of this State, hath petitioned the Legiſlature for her right of dower, in the eſtate of the ſaid Malcom Morriſon.

And whereas it appears to the Legiſlature, that the ſaid Mary Morriſon is entitled to the ſum of nine hundred and four pounds, nineteen ſhillings, the preſent value of an annuity of one hundred pounds on a ſingle life of fifty three years, (being the age of the ſaid Mary Morriſon,) calculated on the principles referred to, in the concurrent reſolutions of both houſes of the Legiſlature, of the third and fourth days of April, in the year one thouſand, ſeven hundred and ninety two. Therefore,

Treaſurer to pay ſaid Mary Morriſon 904: 19 in full for her right of dower in ſaid eſtate.

Be it enacted by the people of the ſtate of New-York, repreſented in Senate and Aſſembly, That the Treaſurer of this State ſhall, and he is hereby directed, to pay to Mary Morriſon, or her legal repreſentative or attorney, which ſaid Mary is the widow of Malcom Morriſon deceaſed, whoſe eſtate became forfeited to the people of this ſtate, the ſum of nine hundred and four pounds nineteen ſhillings, for her right of dower in the lands and tenements whereof her ſaid huſband was ſeized in the Eaſtern diſtrict of this ſtate, and which have been ſold by the commiſſioners of forfeitures for the ſaid Eaſtern diſtrict, upon her executing either in perſon or by her legal repreſentative or attorney, and delivering to the Treaſurer a releaſe of her dower and right of dower, of and in the ſaid lands and tenements to the people of this ſtate, and to the perſons reſpectively holding the ſame lands and tenements.

Recital to the following clauſe.

And whereas it appears to the Legiſlature, that Dorothy Kip, widow of Benjamin Kip, deceaſed, whoſe eſtate became forfeited to the people of this ſtate, is entitled to the ſum of thirty pounds, eighteen ſhillings and nine pence, the preſent value of an annuity of nine pounds ſix ſhillings and eighpence on a ſingle life of ſeventy ſeven years; and that Peggy Kiſſam, widow of Daniel Kiſſam, whoſe eſtate became forfeited as aforeſaid, is entitled to the ſum of two hundred and ſixteen pounds, ſixteen ſhillings and eight pence, the preſent value of an annuity of thirty three pounds ſix ſhillings and eight pence on a ſingle life of ſixty ſix years, in ſatisfaction of their reſpective rights of dower in the eſtates of their ſaid huſbands, on the principle referred to in the concurrent reſolutions aforeſaid. Therefore,

Treaſurer to pay Dorothy Kip 30: 18 9 and Peggy Kiſſam 217: 16: 8 in full for their right of dower in their late huſbands forfeited eſtates.

Be it further enacted, That the Treaſurer of this ſtate ſhall, and he is hereby directed to pay to Dorothy Kip, or her legal repreſentative or attorney, which ſaid Dorothy is the widow of Benjamin Kip, deceaſed, whoſe eſtate became forfeited to the people of this ſtate, the ſum of thirty pounds, eighteen ſhillings and nine pence, and to Peggy Kiſſam, or her legal repreſentative or attorney, which ſaid Peggy is the widow of Daniel Kiſſam, deceaſed, whoſe eſtate became forfeited to the people of this ſtate, the ſum of two hundred and ſeventeen pounds, ſixteen ſhillings and eight pence, for their reſpective rights of dower in the lands and tenements, whereof their ſaid huſbands were ſeized in this ſtate, and which have been ſold by the commiſſioners of forfeitures, upon their executing reſpectively, either in perſon or by legal repreſentative or attorney, and delivering to the Treaſurer, a releaſe of their reſpective rights of dower, of and in the ſaid lands and tenements to the people of this ſtate, and to the perſons reſpectively holding the ſame lands and tenements.

CHAP. LXIV.

An ACT *for the relief of the Repreſentatives of Ellis Fitzſimmons.*

Paſſed the 8th April, 1795.

Preamble reciting that Sir W. Johnſon deviſed certain lands to his brothers and ſiſters with directions for them to be ſold, among whom was one Ellis Fitzſimons.

WHEREAS Sir William Johnſon, late of Johnſon hall, in the then county of Tryon, in the then Province now ſtate of New-York, Baronet, by his laſt will and teſtament deviſed to his brothers and ſiſters, certain tracts of land, and directed the ſame to be ſold, and the monies ariſing therefrom, to be equally divided between them and their heirs. And whereas great part of the ſaid lands have been ſold in purſuance of the ſaid will, and ſome part thereof remains unſold; but Ellis Fitzſimmons, one of the ſiſters of the ſaid teſtator being dead, and it being uncertain whether the part deviſed to her has not been veſted in his heir at law, whoſe eſtate has become forfeited and veſted in the people of this ſtate, and it being reaſonable that the iſſue of the ſaid Ellis Fitzſimmons ſhould have the benefit of the ſaid deviſe to her. Therefore,

All the right of the People of the State to the proportion of the ſaid Ellis in the

BE **it enacted** *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That all the right, title, intereſt, claim and demand, of the people of the ſtate of New-York, of in and to the monies ariſing, and to ariſe from the ſales of the ſaid lands,

ſhall be and hereby is granted to Charles Robert Johnſon, adminiſtrator of all and ſingular, the goods, chattels and credits, which were of the ſaid Ellis Fitzſimmons, to be diſtributed among her children and their repreſentatives, in the ſame manner as if ſhe ſurvived the teſtator; and that it ſhall and may be lawful for the executors of the teſtament and laſt will of the ſaid Sir William Johnſon, to pay to the ſaid Charles Robert Johnſon, for the purpoſe aforeſaid, the proportion of the money ariſing, and to ariſe from the ſale of the ſaid land which would have belonged to the ſaid Ellis Fitzſimmons, if ſhe was now living notwithſtanding any right or claim of the people of this State to the ſame.

monies ariſing from the ſale of ſaid lands granted to C. R. Johnſon adminiſtrator of ſaid Ellis Fitzſimmons to be diſtributed as herein directed.

CHAP. LXV.

An ACT *for the relief of David Richard Floyd Jones, and the orphan children of John Amory.*

Paſſed the 8th of April, 1795.

Preamble

WHEREAS David Richard Floyd Jones by his petition to the Legiſlature, hath ſet forth, that there are ſome ſmall pieces of land of little value in Suffolk county, belonging to the people of this ſtate, by the attainder of his father Richard Floyd, deceaſed, which have not been ſold by the commiſſioners of forfeitures, and prays that the ſame may be veſted in him for his own uſe. Therefore,

All the lands in Suffolk county of the forfeited eſtate of R. Floyd which remain unſold veſted in D. R. F. Jones.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That all the lands in Suffolk county, belonging to the people of this ſtate, by the attainder of Richard Floyd, and not ſold by the commiſſioners of forfeitures, or by the Surveyor-General, be, and the ſame is hereby veſted in the ſaid David Richard Floyd Jones, and to his heirs and aſſigns forever.

Recital.

AND WHEREAS a petition hath been preſented on the part of the orphan children of John Amory heretofore convicted, of adhering to the enemies of this ſtate, praying that the reſidue of the property forfeited to the people of this ſtate, by the conviction of the ſaid John Amory, and which hath not been diſcovered and ſold by the commiſſioners of forfeitures, or by the Surveyor-General, may be veſted in the ſaid children: And whereas, in conſideration of the youth and indigency of the ſaid children, it is proper that the prayer of the petition ſhould be granted. Therefore,

All the lands belonging to the forfeited eſtate of John Amory which remain unſold veſted in his children.

Be it further enacted by the authority aforeſaid, That all the lands in this ſtate, belonging to the people thereof, by the conviction of the ſaid John Amory, and which have not been ſold by the commiſſioners of forfeitures or by the Surveyor General, be and the ſame are hereby veſted in ſuch of the children of the ſaid John Amory, as are now reſident within this ſtate, and to their heirs and aſſigns reſpectively forever, as tenants in common.

Said lands to be ſubject to all debts.

And be it further enacted by the authority aforeſaid, That the land by this act granted to the ſaid David Richard Floyd Jones, and the children of the ſaid John Amory, ſhall be ſubject to debts in like manner as if the ſame lands had deſcended to them ſeverally in a due courſe of law.

All the forfeited eſtate of David Colden which remains unſold, veſted in Cadwallader Colden in truſt.

And be it further enacted by the authority aforeſaid, That all the eſtate real and perſonal, both in law and equity, either in poſſeſſion, reverſion or remainder of David Colden late of Queens county, which was forfeited to, and became veſted in the people of this ſtate, by virtue of the act, entitled, "An act "for the forfeiture and ſale of the eſtates of perſons who have adhered to the enemies of this ſtate, and "for declaring the ſovereignty of the people of this ſtate, in reſpect to all property within the ſame," and which have not been ſold by or come to the knowledge of any of the commiſſioners of forfeitures within this ſtate ſhall be, and the ſame is hereby declared to be veſted in Cadwallader D. Colden, the only ſon of the ſaid David Colden, his heirs and aſſigns forever, in truſt nevertheleſs, and to and for the uſe of all the children of the ſaid David Colden, and to their heirs and aſſigns reſpectively forever, as tenants in common, and that it ſhall be lawful for the ſaid Cadwallader D. Colden, in his own name, but for the uſes aforeſaid, to ſue for and recover the ſame, in any court of law or equity within this ſtate. *Provided*, That this act ſhall not extend to any debts or demands remitted by the ſixth ſeſſion of the act, entitled, An act relating to the forfeited eſtates.

CHAP. LXVI.

An ACT *concerning locations of lands.*

Paſſed 8th of April, 1795.

Preamble.

WHEREAS it is repreſented to the Legiſlature, by the Surveyor-General, that ſeveral locations of land have been made, which from various cauſes are become void, and the parties intereſted therein are without remedy. Therefore,

Where locations on any lands have become void, the parties concerned may make new locations. And the land-office to grant patents for the ſame.

BE **it enacted** *by the People of the State of New-York repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall be lawful for the parties intereſted in any ſuch location, to cauſe a new location to be made upon any unappropriated land, which was ſubject to locations at the time ſuch former location was made, and the commiſſioners of the Land-office are hereby directed to grant letters patent for the land ſo to be located in the ſame manner, and upon the ſame terms as they might have done by law, at the time ſuch former location was made. *Provided always*, that every ſuch new location ſhall be made, and the land ſo located be ſurveyed at the expenſe of the perſon ſo locating, and letters patent for the ſame ſued out, on or before the firſt day of March next, otherwiſe ſuch new location ſhall become void.

Proviſo.

Reciting that Robt. Woodworth and others were under a certain law entitled to locate 600 acres of land, but have never as yet made ſuch location.

Whereas it appears that Robert Woodworth, John Van Renſſelaer and others, did in the year of our Lord one thouſand ſeven hundred and eighty two, furniſh an able bodied man to ſerve in one of the regiments of this State, then in the ſervice of the United States, agreeably to an act, entitled "An act for raiſing troops to complete the line of this State in the ſervice of the United States, and the two regiments to be raiſed on bounties of unappropriated lands, and for the further defence of the frontiers of this State," paſſed March, 23d, 1782, by virtue of which act the ſaid Robert Woodworth and his

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associates became entitled to a bounty of six hundred acres of land. *And whereas* it appears that the said Robert Woodworth and others, have not heretofore received the benefits intended in and by the said act; by reason that the said John Van Rensselaer is since deceased:—Therefore,

Commissioners of land-office to grant said Woodworth & others the said 600 acres.

Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of the land office, and they are hereby required to grant unto the said Robert Woodworth and others his associates belonging to the said class, to be surveyed at his or their own expense, six hundred acres of lands, out of any of the unappropriated lands belonging to the people of this State.

CHAP. LXVII.

An ACT *to enable certain persons therein named to purchase and hold real estates within this State.*

Passed the 8th of April, 1795.

John Stark Robertson and others empowered to hold real estates in the same manner as if they were natural born citizens

BE it enacted, *by the people of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for John Stark Robertson, Luke Usher, Peter Charles L'Enfant, Willam Furse, William Hobrow, Thomas Hobrow, Edward Grant, John Dawson, John Eastmond, Matthew Darbyshire, John Mouchon, Thomas Almond, George M'Kay, John Carrol, Philip Smyth, John M'Elwain, Alexander M'Elwain, Ann Van Vleck, William Gilzean, Nicholas Olive, George Foose, Jean Joseph Alexis Robert, Pierre D'Verry, Jean Baptist Cassan, Walter Morgan, John Burgess, Thomas Billinghurst, William Agate, Benjamin Johnston, Harry Billinghurst, William Agate, George Stear, John Agate, Richard Caffin, Henry Matthews, William Steer, James Lakin, Robert William Cosbrough, Alexander Goutier, Clement Sadlier, Rebeckah Sadlier, Francis Sadlier, John Carleton Sadlier, Clement Sadlier junior, Richard Washington Sadlier, Henry Sadlier, Carleton Sadlier, Hugh Baker Sadlier, David Purdy, Charles Harford, Jonathan Marriot, John Anthony Beck, Francis Below, Vincent Faure, William Le Villiard, John Millson, Thomas Casy, Samuel Maurice, John Chapman, Benjamin Sanders, John Bragg, James Butterworth, Nathaniel Hopkins, Nicklas Pritchard, Peter Blake, Thomas Pye, Mathew Hawkins, Joseph Thompson, James Tinline, William M'Donah, Robert Bradley, Robert Connely, Dennis Terme, Pierre Jarrassay, James Murray, Pierre Blancard, Joseph Pierre Andre Malin F. Louvrier St. Marie, Henry Cheriot, Joseph Paul Augustine de Cambefort, Lewis H. Gurlain, John Slattery, Ann Slattery, Jeremiah Slattery, Andrew Slattery, John Slattery junior, Joseph Slattery, Edmond Slattery, Elin Slattery, Julien Bouvier, James Laughton, John Milson, Robert Whitnry, Edward Moore, Richard Phillips, Peter Swinburne, James Eakins, John Blaney, John Harmar, Thomas Powell, Thomas Law, Michel Marsons and William Mayne Duncanson, severally to take and hold lands, tenements and hereditaments within this State, and respectively to have and hold the same to them and to their respective heirs and assigns for ever, as fully to all intents and purposes as any natural born citizen may or can do, any law, usage or custom to the contrary notwithstanding.

And no lands heretofore purchased by such persons to escheat to the State on account of their being aliens.

And be it further enacted by the authority aforesaid, That no lands, tenements or hereditaments heretofore purchased by any of the persons herein before named, shall escheat or become forfeited to the people of this State, by reason or on account of such persons then being aliens, but all such lands, tenements and hereditaments shall be understood as having vested in such purchaser or purchasers, any law to the contrary thereof notwithstanding: *Provided always*, that no alienation of any lands purchased or to be purchased or held by virtue of this act, shall be good and effectual in the law, other than to a citizen or citizens of the United States.

CHAP. LXVIII.

An ACT *relative to the Funds of this State.*

Passed the 9th of April, 1795.

The Governor and others appointed Commissioners to determine the mode to dispose of the six per cent. stock belonging to the State in such way as they shall deem most proper to afford a permanent revenue.

BE it enacted *by the People of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That the person administering the government of this State for the time being, together with the treasurer thereof, and Robert R. Livingston and Gulian Verplank, shall be, and hereby are appointed commissioners, any two of whom, together with the person administering the goverment of this State for the time being, shall form a quorum, for the following purposes, to wit: To determine on such principles for disposing of the Stock of the United States, bearing or to bear an interest of six per centum per annum, and standing in the books of the treasury of the United States to the credit of Gerard Bancker the treasurer of this State, either by direct exchange, or by sale and repurchase, as in their judgment they shall deem most beneficial to the interest of the people of this State, and in such manner as shall afford the best prospect of future permanent revenue; and having so determined, shall direct the treasurer of the State for the time being, to make such exchange, sale and re-purchase, in conformity to the principles which shall be so determined, and to report the result of their proceedings in the premises at every future meeting of the legislature.

And the Treasurer to dispose of the same agreeable to such determination.

Treasurer to advertise for persons holding certain certificates to bring them in for payment.

And be it further enacted by the authority aforesaid, That the said treasurer shall and he is hereby enjoined, as soon as may be after the passing of this act, by notice to be published in at least one of the newspapers printed in each of the great districts of this State, to require the holders of certificates issued from the treasury of this State and signed by the treasurer thereof, and certificates issued by John Haring, Joseph Gasharie and Thomas Moffatt, pursuant to the act entitled, "An act to liquidate and settle "the accounts of the troops of this State in the service of the United States," passed the 4th of October 1780, And the act entitled "An act to empower the Auditors to liquidate and settle the accounts of the troops of this State in the service of the United States to grant certificates to the troops of this State in the service of the United States for their pay accrued for the time therein mentioned,"

paſſed the 6th of April, 1784, and certificates iſſued by Peter T. Curtenius, State Auditor, for ſeven pears half pay to widows and orphans of officers and ſoldiers of the line of this State agreeable to an act paſſed the 17th day of April, 1784, to bring the ſame to the treaſury and receive payment therefor.

Treaſurer to pay principal & intereſt on certain certificates.

And be it further enacted by the authority aforeſaid, That the ſaid Treaſurer ſhall pay the nominal principal, and the intereſt accrued thereon for all ſuch certificates as were iſſued for ſpecie value, and having reduced to ſpecie value all other certificates not given for ſuch value by the ſcale of depreciation eſtabliſhed by law, ſhall pay the principal ſum ſo reduced together with the ſpecie value intereſt accrued thereon. *Provided* that if any of the certificates of either of the deſcriptions aforeſaid ſhall not be preſented for payment before the firſt day of January next, no intereſt accruing after the ſaid day ſhall be allowed or paid thereon.

Proviſo.

Treaſurer to adverti*e for perſons holding certain bills of credit to bring them in for payment.

And be it further enacted by the authority aforeſaid, That the ſaid Treaſurer ſhall in manner aforeſaid require the holders of any of the bills of credit iſſued by virtue of the act entitled "An act for emitting the ſum of two hundred thouſand pounds in bills of credit for the purpoſes therein mentioned," paſſed the 18th of April 1786 to preſent the ſame at the Treaſury, and to receive payment therefor on or before the firſt day of Auguſt next, and no bills of the ſaid emiſſion ſhall be paid after the ſaid day.

Perſons indebted to the State for monies loaned by a certain act to have their option to pay the ſame in manner directed by ſaid act, or to retain the ſame until the year 1805.

And be it further enacted by the authority aforeſaid, That every perſon who after the third Tueſday of June laſt was indebted to the People of this State for money loaned by any of the Loan Officers within this State in conformity to the act entitled "An act for emitting the ſum of two hundred thouſand pounds in bills of credit for the purpoſes therein mentioned," paſſed the 18th of April 1786, and who have paid what was due on the principal and intereſt of the ſaid loan to the ſaid third Tueſday of June laſt ſhall have the option to retain the whole reſidue of the principal ſo due as aforeſaid until the third Tueſday in June in the year of our Lord one thouſand eight hundred and five, or to pay, or to pay the ſame reſidue by inſtalments in conformity to the ſaid act. *Provided always* that the intereſt ariſing on ſuch reſidue ſhall be annually paid agreeable to the directions in the ſaid act contained, any thing in the ſaid act to the contrary thereof notwithſtanding.

CHAP. LXIX.

An ACT *for the relief of Donald Campbell.* Paſſed the 9th of April, 1795.

Preamble reciting that D. Campbell hath petitioned for a grant of a tract of land.

WHEREAS Donald Campbell late a Colonel in the army of the United States, a Brigadier General by brevet, and a citizen of this State, has by petition reſpectfully intreated the legiſlature for a grant of a tract of land. And the Legiſlature in conſideration that he hath not received any bounty lands from this State, being willing to comply therewith. Therefore

Surveyor General to ſurvey 5000 acres in one tract for ſaid Campbell, where he ſhall locate the ſame, and make return to the Land-office who are to grant a patent for the ſame.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful to and for the Surveyor General of this State to ſurvey and lay off in one entire tract, the quantity of five thouſand acres of the unappropriated lands of this State and as nearly in a ſquare as local circumſtances will permit and in ſuch place as Donald Campbell ſhall locate: *Provided* that ſuch location ſhall not be made on any lands purchaſed of the Oneida Onondaga and Cayuga Indians by this State, or on any lands not ſubject to location; and having ſo ſurveyed the ſame, ſhall certify the bounds of ſuch tract to the commiſſioners of the land office who ſhall thereupon direct that letters patent be iſſued to the ſaid Donald Campbell in fee ſimple and in the uſual form, as a free and voluntary gift on the part of the People of this State.

Proviſo.

Provided always, That the ſaid Donald Campbell ſhall previous to the iſſuing of ſuch letters patent produce to the ſaid commiſſioners a receipt of the Surveyor General, that he the ſaid Donald Campbell hath paid all the expences of the ſurvey of the ſaid tract.

CHAP. LXX.

An ACT *for the better ſupport of the Oneida, Onondaga and Cayuga Indians, and for other purpoſes therein mentioned.* Paſſed the 9th of April, 1795.

Preamble reciting that the Oneida, Onondaga and Cayuga tribes of Indians have prayed the Legiſlature to make ſuch regulations relative to their lands as will prevent diſputes between them & the white people ſettled on their lands

WHEREAS the Oneida, Onondaga and Cayuga tribes of Indians, have ſome times collectively as tribes, and at other times individually, leaſed part of the lands appropriated to their uſe to white inhabitants, and permitted others to ſettle and improve thereon without leaſe, which has occaſioned controverſy between themſelves, and between them and ſuch ſettlers. *And whereas* the ſaid tribes reſpectively have intreated the legiſlature to make ſuch arrangement relative to the premiſes as ſhall tend to prevent future controverſy between themſelves and between them and the white inhabitants ſettled on and occupying of the lands aforeſaid, and as ſhall tend to render the ſame more productive to the tribes reſpectively:—Therefore,

The Governor and others appointed commiſſioners to make ſuch arrangements with ſaid Indians relative to their lands as will tend to promote their intereſt, &c.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby enacted by the authority of the ſame*, That the perſon adminiſtering the government of this State for the time being, Philip Schuyler, John Cantine, John Richardſon, and David Brooks, or any three of them, ſhall be, and they are hereby appointed agents on the part of the people of this State, to make ſuch arrangements with the Oneida, Onondaga and Cayuga tribes of Indians reſpectively, relative to the lands appropriated to their uſe, as may tend to promote the intereſt of the ſaid Indians, and to preſerve in them that confidence in the juſtice of this State which they have ſo repeatedly evinced to entertain.

Provided ſuch arrangements be made on certain principles herein laid down.

Provided always, that every arrangement which may affect either any of the ſaid tribes collectively, or any individual thereof, or the white inhabitants ſettled upon the lands ſo appropriated, ſhall be adjuſted and arranged on the principles following, to wit: If any of the ſaid tribes reſpectively, ſhall incline that a part of the lands appropriated to their uſe, ſhall be ſo diſpoſed of as that an annuity may for ever hereafter be paid to them, then and in that caſe a tract, ſuch as the tribe ſo inclining

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shall designate and such as the said agents shall deem of sufficient extent to accommodate each family with a competent farm for their occupation and improvement, shall be surveyed and set apart for that purpose; and if the same tribe shall agree that the tract so to be set apart for their occupancy or any part thereof, shall be laid into as many lots as the same tribe contains families; then the said agents shall cause the same to be surveyed and laid out into lots accordingly: But if the said Indians should not agree to have a lot assigned to each family; but should agree that any and every family which chuses may have one lot assigned to its particular use, then the said agents shall cause only such lots to be laid out and surveyed, and shall cause a register of every such lot so appropriated, to be made in a book to be provided for that purpose, descriptive of the bounds of each lot, together with the name of the head of the Indian family to whom any lot may be so appropriated, and the names of all the members of the same family, their age and sex; and every lot so appropriated as well as the entire tract so to be set apart (and of the bounds of which a description shall also be entered in such book) shall for ever hereafter be to the use of the said Indians, either collectively by tribes as a body of people, or individually by families, as the case may be, and shall remain to them and their posterity, as an estate or estates unalienable, and without power to lease the same, and such register as aforesaid being first certified by the said agents, shall be filed in the office of the secretary of this State, and one copy thereof in the clerks office of the county in which the lands are situate, to remain in the said offices respectively as part of the public records.

Reciting that differonces exist between the Oneidas respecting the purchase of lands heretofore made from them.

And whereas it is represented that differences do exist between the said Onondaga Indians, respecting the purchase of some of their lands heretofore made by the commissioners appointed for that purpose on the part of this State:—Therefore,

Commissioners to take measures to reconcile the said Indians, by encreasing their annuity.

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the said agents to take such measures as to them shall appear proper to reconcile the said Indians, and by an instrument in writing, under their respective hands and seals, to obligate the people of this State to pay unto the said Indians instead of their annuity of four hundred and ten dollars, such annuity as the said agents in their discretion shall agree upon with the said Indians, not exceeding eight hundred dollars, to commence as on the day stipulated for the payment of the said last annuity, which annuity so to be granted shall be annually distributed amongst the said Indians, in such manner as they and the said agents shall determine upon, and in case of no such determination, the same shall be annually distributed amongst the said Indians by the person administering the government of this State for the time being, in his discretion, after having appropriated a part thereof to the maintenance of the public school in which the Indian children shall be taught.

Said annuity how to be disposed of.

Commissioners may stipulate with said Indians, to pay them perpetual annuities for part of their lands, and said annuities how to be applied.

And be it further enacted by the authority aforesaid, That for the residue of any of the lands beyond what may be appropoiated in manner aforesaid, the said agents shall in their discretion stipulate perpetual annuities on the part of the people of this State, to be paid to the Oneida, and Cayuga Indians, and to be annually distributed amongst those tribes respectively, by the person administering the government of this State for the time being, in such manner, and at such time and place as they and the said agents shall determine; and in case of no such determination, the same shall be annually distributed amongst the said Indians by the person administering the government of this State for the time being in his discretion, after having appropriated a part thereof to the maintenance of the public school in each tribe, in which the Indian children shall be taught. *Provided* that such annuities severally shall not exceed an annual interest of six per cent on the principal sum which would arise from the sale of such residue if the same was sold at four shillings per acre.

Proviso.

The tract or tracts for which an annuity shall be so stipulated to be laid out by Surveyor General, into lots of 250 acres each, and maps thereof to be filed in the Secretary's Office, &c.

And be it further enacted by the authority aforesaid, That the tract or tracts for which every such annuity shall be stipulated, shall immediately thereafter be surveyed and laid into lots not exceeding two hundred and fifty acres each by the surveyor general, or such deputy or deputies as he shall thereunto appoint; and being so surveyed and laid into lots, maps and field-books thereof shall be filed in the office of the secretary of this State, and one copy of each in the offices of the clerks of the counties respectively, in which the lands are situate, and one other copy in the surveyor generals office, to the end that all persons may have recourse thereto; and on every such map shall be designated any lot or lots which on or before the first day of January last, were occupied by any person or persons, and which shall be certified by the said agents to have been so occupied, with the names of the occupants who hold either by lease where leases have been permitted by law to be granted, or by the free and voluntary consent of any of the said tribes, and such lots shall not be sold, but the remainder and reversion thereof shall enure to the benefit and behoof of the occupants respectively, in manner hereinafter mentioned: *Provided* that no occupant who on or before the said first day of January, possessed any of the lands by the voluntary consent only of any of the said tribes, shall be entitled to the remainder or reversion of any more than two hundred and fifty acres.

On such maps shall be designated all lots which were occupied by any person before a certain day.

Which lots shall not be sold, but shall enure to the occupant.

Reciting that a certain tract of land has heretofore been appropriated to the common use of the Oneidas, and the people of the state, which has been improductive.

And whereas a tract of land has heretofore been appropriated to the common use of the Onondaga Indians and the people of this State; *And whereas* the same is unproductive of any income to the said Indians, and must continue so as long as the same is so held in common:—Therefore,

Commissioners authorised to give said Oneidas an annuity for their right in said tract.

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the said agents, if the said Onondaga Indians should incline to to transfer their common right in the whole, or their common right in any part thereof to the people of this State, to obligate the people of this State to the payment of a perpetual annuity, such as they in their discretion shall judge meet and proper. *Provided* that such annuity shall not exceed five hundred dollars for the whole of the common right of the said Indians, and so in proportion for a less part thereof.

The Surveyor-General, after filing aforesaid maps, to advertise a day for

And be it further enacted by the authority aforesaid, That the Surveyor General shall without delay, after such maps and field books shall be filed in manner aforesaid give notice thereof for sixty days successively in at least two of the newspapers printed in each of the great districts of this State; and immediately after the expiration of the term aforesaid, he shall assign a day certain, and place in the city

of Albany, on which day the ſeveral lots ſhall commence to be ſold at public vendue; which day ſhall not be leſs than ſixty nor more than eighty days from the expiration of the ſaid firſt mentioned ſixty days; which notice ſhall be publiſhed in manner aforeſaid.

ſelling ſaid lots in the city of Albany.

And be it further enacted by the authority aforeſaid, That the ſale of all the ſaid lots ſhall continue from day to day until the whole ſhall be ſold, and each lot ſhall be ſeparately put up at vendue, and ſtruck off to the higheſt bidder. *Provided* that none of the ſaid lots ſhall be ſold for leſs than ſixteen ſhillings per acre.

Sale of ſaid lots to continue from day to day till all are ſold and none to be ſold at a leſs price than 16s. per acre.

And be it further enacted by the authority aforeſaid, That the conditions on which the lots of land hereinbefore mentioned ſhall be expoſed to public ſale ſhall be as follows, to wit, the purchaſer of every lot ſhall immediately after the purchaſe thereof pay unto the Surveyor General as part of the purchaſe money the ſum of ten pounds; and it ſhall be optional with each and every purchaſer, either to pay the reſidue of the purchaſe money within forty days after ſuch purchaſe, and take a deed therefor in manner herein after preſcribed, or to execute a mortgage therefor in manner herein after mentioned ſubject to an annual intereſt of ſix per centum to be annually paid into the Treaſury of this State within the time to be ſpecified in ſuch mortgage. *Provided always* that each and every purchaſer who ſhall neglect or refuſe to pay the reſidue of the purchaſe money before the expiration of the forty days before mentioned or ſhall refuſe or neglect to take ſuch deed and execute ſuch mortgage ſhall forfeit to the uſe of the People of this State, the firſt payment herein mentioned; and the lands on which ſuch forfeiture ſhall ariſe ſhall as ſoon as may be after the expiration of the ſaid forty days be again expoſed to public ſale in manner and on the conditions herein before mentioned.

Conditions on which ſaid lots are to be ſold.

AND WHEREAS Peter Smith of the county of Herkemer hath obtained a leaſe from the Oneida Indians for the term of twenty one years, for which term the ſaid Indians were by law authorized to leaſe part of the tract appropriated to their uſe. Therefore,

Reciting that Peter Smith hath obtained a leaſe from the Oneidas for 21 years.

BE it further enacted by the authority aforeſaid, That every tenant holding of the ſaid tract by ſubleaſe under the ſaid Peter Smith, and for the term aforeſaid, ſhall have the pre-emption of the remainder and reverſion of the lands ſo leaſed to him, and the ſaid Peter Smith ſhall alſo have the pre-emption of the remainder and reverſion of ſuch part of the tract ſo leaſed to him, and which ſhall not have been by him ſo leaſed to others; *Provided* that he or they or ſuch of them as ſhall be deſignated by the ſaid agents as entitled ſhall pay into the Treaſury of this State before the expiration of ſixty days next after the firſt day on which the ſale of the lots herein beforementioned ſhall commence, a ſum of money for each acre ſo held equal to the mean price by the acre of the lands in the ſame tract which ſhall be ſold by the Surveyor General at ſuch ſale and in manner aforeſaid either by mortgage or by the actual payment of the money by the perſon entitled at his or her option, and ſhall receive a deed therefor in manner herein after preſcribed.

Said P. Smith & all holding under him to have the right of pre-emption.

Proviſo.

And be it further enacted by the authority aforeſaid, That every perſon who ſhall be deſignated by the ſaid agents and ſhall produce their certificate ſtating that the perſon therein named is entitled as a ſettler occupying of the land of either of the ſaid tribes (other than of the common land aforeſaid) by the free and voluntary conſent of the ſame tribe on or before the ſaid firſt day of January laſt ſhall be entitled to the pre-emption of the remainder and reverſion thereof: *Provided* that the perſon ſo certified as entitled ſhall within ſixty days to be computed from the commencement of ſuch ſale as aforeſaid, pay unto the Surveyor General of this State a ſum of money for each acre equal to the mean price by the acre of the lands in the ſame tract which ſhall have been ſold by the Surveyor General at ſuch ſale as aforeſaid, and ſhall pay the purchaſe money, or execute a mortgage therefor at his or her option, and ſhall receive a deed therefor in manner herein after mentioned. *And provided alſo*, that ſuch right of pre-emption ſhall not extend to more than two hundred and fifty acres for each occupant as aforeſaid.

All perſons occupying any of ſaid lots by the conſent of the Indians entitled to the pre-emption of the ſame.

Proviſo.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid agents to cauſe the tract heretofore ſtipulated by the Onondaga Indians to be granted to Ephraim Webſter to be ſurveyed and to lay out ſuch additional tract adjoining thereto, and of the lands now belonging to the People of this State as that the aggregate may be equal to ſix hundred and forty acres, and to give him a deed therefor in the name of the People of this State, as a free and voluntary gift on their part.

Commiſſioners to give a deed to Ephraim Webſter for 640 acres.

And be it further enacted by the authority aforeſaid, That as ſoon as may be after the ſale of the ſaid lots or any of them, and after receiving ſuch part of the purchaſe money as aforeſaid, the Surveyor General ſhall execute conveyances of the ſame lots to the purchaſers thereof in the form herein after preſcribed, and ſhall immediately thereupon take from each purchaſer a mortgage on the lot or lots ſo conveyed to the ſame purchaſer, to ſecure the payment of the reſidue of the purchaſe money in the form herein after preſcribed, and cauſe the ſame mortgages to be regiſtered in the office of the clerk of the county in which the lands ſo mortgaged ſhall be ſituated, and then deliver the ſaid mortgages to the Treaſurer of this State.

After ſale of ſaid lots & payment of a certain part of the purchaſe money, Surveyor General to execute conveyances for the ſame, and take mortgages to ſecure the payment of the reſidue.

And be it further enacted by the authority aforeſaid, That the conveyances ſo to be given by the ſaid Surveyor General ſhall be in the following form, that is to ſay, " This Indenture made the " day of in the year of our Lord one thouſand ſeven hundred and ninety- " Surveyor General of the State of New York of the firſt part, and " of the ſecond part; Witneſſeth, That the ſaid Surveyor General for and in behalf of the People of " the State of New-York, in purſuance of an act entitled " An act for the better ſupport of the Oneida " Onondaga and Cayuga Indians and for other other purpoſes therein mentioned," paſſed the " day of 1795, and for and in conſideration of the ſum of to him in hand paid by the " ſaid the receipt whereof is hereby acknowledged, and of the further ſum of " ſecured to be paid according to the direction of the ſaid act, hath granted bargained ſold releaſed " and confirmed, and by theſe preſents doth grant bargain ſell releaſe and confirm unto the ſaid " heirs and aſſigns, ALL that Together with all manner of improvements

Form of the conveyances to be given by the Surveyor General. Between of

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" hereditaments and appurtenances to the ſame belonging or in any wiſe appertaining, and all the " eſtate right title intereſt claim and demand whatſoever of the People of the State of New-York, of " in and to the ſaid premiſes, and of in and to every part thereof: *To have and to hold* all and ſingu- " lar the ſaid premiſes hereby intended to be conveyed and every part thereof with the appurtenances " unto, and to the only proper uſe and behoof of the ſaid heirs and aſſigns for ever. In " witneſs whereof the ſaid the Surveyor General of this State hath hereunto ſubſcribed " his name and affixed his ſeal the day and year firſt above written." And every ſuch conveyance ſhall be ſufficient and effectual to convey all the eſtate right title intereſt claim and demand of the People of this State of in and to the land intended to be conveyed thereby to the purchaſer or purchaſers therein named, and to his her or their heirs for ever.

Form of the mortgages to be taken by the Surveyor General.

And be it further enacted by the authority aforeſaid, That the mortgages to be taken by the ſaid Surveyor-General, ſhall be in the following form.

" THIS INDENTURE, made the day of in the year of our Lord, " one thouſand ſeven hundred and ninety between of of " the firſt part, and the people of the ſtate of New-York of the ſecond part, *Witneſſeth*, that the " ſaid for and in conſideration of the ſum of to him in hand paid " for, and in behalf of the people of this State, the receipt whereof is hereby acknowledged, hath gran- " ted, bargained, ſold, releaſed and confirmed, and by theſe preſents doth grant, bargain, ſell, releaſe " and confirm unto the people of the ſtate of New-York, All that " together with all manner of improvements, hereditaments, and appurtenances " whatſoever, to the ſame belonging or in any wiſe appertaining, and all the eſtate, right, title, intereſt, " claim and demand whatſoever of the ſaid of in and to the ſaid premiſes " hereby intended to be conveyed, and of in and to every part thereof with the appurtenances: To " have and to hold the ſaid premiſes hereby intended to be conveyed, and every part thereof, with the " appurtenances unto the people of the ſtate of New-York forever. *Provided always*, That if the ſaid " heirs, executors, admimiſtrators or aſſigns, ſhall pay or cauſe to be paid " unto the Treaſurer of this State for the time being, for the uſe of the people of this ſtate, the inte- " reſt of the ſaid ſum of at the rate of ſix pounds per cent per annum, on the " firſt Tueſday of July yearly, and every year, and the ſaid principal ſum of " with all the intereſt then due for the ſame, when the ſame ſhall be demanded by the Treaſurer of " this ſtate, for the time being, for and in behalf of the people of this ſtate, at any time after the firſt " Tueſday in July, which will be in the year of our Lord, one thouſand eight hundred and five, then " the above grant, bargain and ſale, and every article and clauſe thereof ſhall be void: But if failure be " made in any of the payments above mentioned, then the above bargain and ſale is to remain in full " force and virtue; and the ſaid for heirs and aſſigns, here- " by agrees to be abſolutely barred of and from all equity of redemption of the premiſes, after the ex- " piration of one year, after ſuch failure, and the ſaid for heirs, " executors and adminiſtrators, hereby covenants, grants and agrees to, and with the people of the " ſtate of New-York, that he the ſaid heirs, executors or adminiſtrators, " ſhall and will well and truly pay the intereſt of the ſaid ſum of at the rate aforeſaid, " annually on the firſt Tueſday of July, in every year, and the ſaid principal ſum of " with all the intereſt then due thereon, when demanded as aforeſaid, after the firſt Tueſday in July, " which will be in the year of our Lord, one thouſand eight hundred and five, according to the proviſo " or condition aforeſaid. In Witneſs whereof the ſaid hath hereunto ſet " hand and ſeal, the day and year firſt above written." Which ſaid mortgages ſhall be good and effectual in the law, and ſhall be preferred to all other charges and incumbrances whatſoever, on the ſaid land ſo mortgaged, made or ſuffered, or to be made or ſuffered by ſuch purchaſer or mortgagor.

Surveyor General to account for & pay to the Treaſurer the monies he ſhall receive in the execution of this act.

And be it further enacted by the authority aforeſaid, That the Surveyor-General, ſhall from time to time account with the Auditor of this ſtate for the monies he ſhall receive and pay in the execution of this act, and pay the ballance to the Treaſurer of this ſtate.

Commiſſioners authoriſed to pay Indians one years annuity in advance and to pay expences of ſurvey &c.

And be it further enacted by the authority aforeſaid, That out of the monies herein after mentioned, it ſhall and may be lawful to and for the ſaid agents, to pay unto ſuch of the ſaid Indians, to whom they ſhall ſtipulate an annuity the amount of ſuch annuity, for one year in advance, and ſhall alſo defray the expence of the ſurveys by them to be directed, and ſuch other contingent charges as they may incur in the execution of this act, and ſhall be allowed their reaſonable expences, and ſuch compenſation as the Legiſlature ſhall hereafter direct, and ſhall ſettle their accounts with the Auditor of this ſtate, and report their proceedings to the Legiſlature at the firſt meeting thereof next after they ſhall have compleated the arrangements enjoined by this act.

To ſettle their accounts with the auditor and to report to the Legiſlature.

Treaſurer to pay ſaid commiſſioners 5000l.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the Treaſurer of this ſtate, and he is hereby required to pay unto the ſaid agents, or to the order of any two of them, a ſum not exceeding five thouſand pounds, to be by them accounted for in manner aforeſaid.

A certain act relative to the Indians repealed.

And be it further enacted by the authority aforeſaid, That the act entitled, " An act relative to the Indians reſident within this ſtate," paſſed the twenty ſeventh day of March, one thouſand ſeven hundred and ninety-four, be and hereby is repealed.

Secretary and Surveyor General to furniſh commiſſioners with copies of any papers they may require.

And be it further enacted by the authority aforeſaid, That the Secretary of this ſtate, and the Surveyor-General thereof, reſpectively ſhall deliver to the ſaid agents, or to their order, certified copies of all ſuch contracts agreements and other papers and maps as *they* ſaid agents ſhall from time to time require.

CHAP. LXXI.

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An ACT *directing where the Courts of Common Pleas and General Seſſions of the Peace, for the county of Saratoga ſhall be held, and for authorizing the Sheriff of the ſaid county, to remove his priſoners, and confine them in the Gaol erected in the ſaid County.*

Paſſed the 9th of April, 1795.

WHEREAS a Court-houſe and gaol have been lately erected in, and for the county of Saratoga, Therefore,

Preamble.

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That it ſhall be lawful for the Judges and aſſiſtant Juſtices of the court of common pleas, of the county of Saratoga who ſhall hold the next court, or a majority of them, and for the Juſtices of the peace in the ſaid county, or a majority of them, on the firſt day of the next term or ſeſſions of the ſaid courts reſpectively, or at any time thereafter to adjourn the ſaid courts reſpectively, to the ſaid Court-houſe in the ſame county, and there to hold the ſaid courts.

Courts in the county of Saratoga, to be adjourned to the Court-houſe, lately erected in ſaid county.

And be it further enacted, That whenever the commiſſioners appointed by law to ſuperintend the building of the Court-houſe and gaol in the county of Saratoga, ſhall certify under their hands to the Sheriff of the ſaid county, that the ſaid gaol is completed, ſo as to be ſufficient for the reception of priſoners, that it ſhall and may be lawful for the ſaid Sheriff, to remove all priſoners whether confined by proceſs directed to the Sheriff of Saratoga, or by any court of Juſtice in the ſame county, from the gaol of the city and county of Albany, to the ſaid gaol erected in the county of Saratoga, and there keep them and each of them in ſafe cuſtody, until they ſhall be reſpectively diſcharged by due courſe of law.

Sheriff of Saratoga, when the gaol is finiſhed to remove his priſoners therein, from the county of Albany.

And be it further enacted, That the Sheriff of the county of Saratoga, ſhall not be liable to any action or actions of eſcape, or other action at law, for the removal of ſaid priſoners, or either of them, and if any bill, plaint, ſuit or information, ſhall be commenced or proſecuted againſt the ſaid Sheriff, for removing the ſaid priſoners or either of them, in purſuance of this act, it ſhall be lawful for ſuch Sheriff to plead the general iſſue, and give this act and the ſpecial matter in evidence, and if the plaintiff or proſecutor in any ſuch action bill, plaint ſuit or information, ſhall become non ſuit or diſcontinue or ceaſe to proſecute the ſame, or if a verdict or judgment be given againſt him or her the defendant, ſhall recover double coſts for which he ſhall have like remedy as in other caſes, where coſts are given by law to the defendant.

Sheriff not liable to any action of eſcape from the removal of ſaid priſoners.

And be it further enacted, That in caſe any priſoner or priſoners ſhall eſcape from the cuſtody of the Sheriff of the ſaid county of Saratoga, during the time of his or her removal, and the Sheriff ſhall not retake ſuch priſoner or priſoners, and him her or them, confine in the gaol to which he ſhe or they ought to be removed, by virtue of this act, within ſixty days next, after ſuch eſcape made the ſaid Sheriff, ſhall be liable to all actions for ſuch eſcape or eſcapes.

But if a priſoner eſcapes during the removal, then the Sheriff to be liable.

And be it further enacted, That the Court-houſe and gaol, erected in the county of Saratoga, ſhall after ſuch removal of the courts of common pleas and general ſeſſions of the peace, and removal of ſuch priſoners be deemed the Court-houſe and gaol of the ſaid county.

The Court houſe ſo erected to be conſidered as the Court-houſe and gaol of ſaid county.

And be it further enacted, That from and after the removal of ſuch priſoners as aforeſaid, the gaol in the city and county of Albany, ſhall not be deemed the gaol of the county of Saratoga.

And the gaol of Albany no longer conſidered as the gaol of Saratoga.

CHAP. LXXII.

An ACT *authoriſing the Juſtices of the Peace, reſiding in that part of the town of Schenectady, therein mentioned, to raiſe a ſum annually by tax, for the ſupport of a night watch.*

Paſſed the 9th of April, 1795.

WHEREAS a number of inhabitants of the town of Schenectady, by their petition have repreſented, that ſo much of the act, entitled, "An act to impower the juſtices of the peace, reſiding in that part of the town of Schenectady therein mentioned, to eſtabliſh and regulate a night watch, and for other purpoſes therein mentioned, as relates to the ſaid night watch, is found by experience to be manifeſtly inadequate, to the police and ſafety of the town. Therefore,

Preamble.

BE **it enacted** *by the People of the State of New-York, repreſented in Senate and Aſſembly,* That it ſhall and may be lawful, to and for the ſaid Juſtices of the peace, in the town aforeſaid, as ſoon as conveniently may be after the paſſing of this act, and annually thereafter, to order the raiſing a ſum not exceeding three hundred pounds, by a tax on the eſtates, real and perſonal of all and every the freeholders and inhabitants living or dwelling in that part of the town of Schenectady, which lies to the ſouthward of the Mohawk river, and not more than three quarters of a mile diſtant from the Dutch church in ſaid town, to be applied to the payment of ſo many watchmen as the ſaid juſtices of the peace ſhall think neceſſary to employ, for guarding the ſaid town, which ſaid ſum ſhall be rated and aſſeſſed by the aſſeſſors of the ſaid town, and levied and collected in the ſame manner as hath heretofore been accuſtomed within the ſaid town, for levying and collecting the tax for the maintenance of the poor and other contingent charges within the ſaid town, and that the ſaid monies ſhall be paid into the hands of any one of the juſtices of the peace aforeſaid, or to ſuch other perſon as the major part of ſuch juſtices ſhall agree upon, to be applied and diſpoſed of, from time to time, in ſuch manner for the purpoſe herein before mentioned, as the ſaid Juſtices of the peace of the ſaid town, or a major part of them ſhall direct and appoint.

Juſtices in the town of Schenectady, to raiſe 300l. annually for payment of watchmen.

And be it further enacted, That the firſt ſection of the herein before recited act, and alſo the act, entitled, "An act to amend an act, entitled, an act to impower the juſtices of the peace, reſiding in that part of the townſhip of Schenectady, therein mentioned, to eſtabliſh and regulate a night watch, and for other purpoſes therein mentioned," ſhall be and hereby are repealed.

An act, and part of an act repealed.

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CHAP. LXXIII.

An ACT *for continuing and extending Bancker-ſtreet in the fifth Ward of the City of New-York into Pearl-ſtreet, and for widening Beaver-lane in the firſt Ward of the ſaid City.*

Paſſed the 9th of April, 1795.

Preamble.

WHEREAS it has been repreſented to this Legiſlature, by the mayor, aldermen and commonalty of the city of New-York, that petitions have been preſented to them by ſeveral inhabitants of the ſaid city, who reſide or own houſes and lots of ground in Bancker-ſtreet, in the fifth ward of the ſaid city, praying that meaſures may be taken for continuing and extending the ſaid ſtreet into Pearl-ſtreet. And alſo of the reſidents and proprietors of lots in the vicinity of Beaver-lane, in the firſt ward of the ſaid city for the widening of the ſaid ſtreet. And alſo that they the ſaid mayor, aldermen and commonalty conceiving the ſaid improvements to be highly uſeful and benificial, as well to the proprietors of the lots and the inhabitants in the vicinity of thoſe ſtreets, as to the publie at large, have ſignified their approbation of the meaſure, and have therefore prayed that a law ſimilar to that paſſed for the improvement of John-ſtreet may be paſſed for the improvement of the above mentioned ſtreets :—Therefore,

Beaver lane in the City of New-York, to be widened.

Be it enacted, *by the people of the State of New-York, repreſented in Senate and Aſſembly,* That the ſaid lane called Beaver-lane, which now is only thirteen feet two inches wide ſhall be enlarged and widened as follows: Beginning at a point four feet two inches north of the ſoutheaſt corner of the lot of John Delafield fronting on Broadway, and thence on a ſtraight line to the ſoutheaſt corner of the rear of the lot as the ſame is now in fence of Auguſtus Van Cortlandt, ſo that the ſaid ſtreet ſhall be thirty two feet wide from Broadway to Greenwich-ſtreet.

And Bancker ſtreet to be continued to Pearl-ſtreet.

And the ſaid ſtreet called Bancker-ſtreet, ſhall be continued and extended into Pearl-ſtreet, as follows, that is to ſay, the ſaid ſtreet ſhall be continued of its preſent breadth of forty feet in direct lines through the lot belouging to Lewis Morris, the lot belonging to the eſtate of Iſaac Governeuir deceaſed, and the lot belonging to Charles Leroux, to Pearl-ſtreet aforeſaid.

Satisfaction how to be made to the owners of any lots thereby affected,

And to the end that reaſonable ſatisfaction may be made for ſuch lots or parts of the lots as may be neceſſary for the purpoſes aforeſaid, the mayor, aldermen and commonalty of the city of New-York, in common council convened, ſhall and may treat and agree with the reſpective owner or owners thereof, or with the perſon or perſons reſpectively intereſted therein, or with his her or their reſpective agent or agents, or legal repreſentative or repreſentatives. And if ſuch perſon or perſons, either or any or all of them, ſhall refuſe to treat and agree in manner aforeſaid, then and in ſuch caſe it ſhall and may be lawful to and for the mayor or recorder and any two or more aldermen by virtue of this act, by a precept under their hands and ſeals to command the ſheriff of the ſaid city and county of New-York, to impanel and return, and he is hereby commanded to impanel and return a jury of freeholders to appear before the mayors court of the ſaid city at any term thereof, not leſs than three weeks fron the date of ſuch precept, to enquire of and aſſeſs the damages due, or that ſhall accrue to ſuch owner or owners thereof reſpectively of ſuch houſes and lots of ground, and to notify him her or them, by notice to be left at his her or their moſt uſual place or places of abode, if they reſpectively ſhall reſide in the ſaid city and county, but if not, then on the premiſes reſpectively that may be ſuppoſed to be in charge to ſuch jury, at leaſt fourteen days before the return of the ſaid precept to appear before ſuch mayors court, at the day and at the place in ſuch precept to be ſpecified; which jury being firſt duly ſworn faithfully and impartially to enquire into and aſſeſs the damages in queſtion, and having viewed the premiſes if neceſſary or required by any or either the owner or owners, agent or agents, or legal repreſentative or repreſentatives thereof, ſhall enquire of and aſſeſs ſuch damages and recompenſe reſpectively, as they ſhall under the circumſtances judge fit to be awarded to the owner or owners of ſuch reſpective houſes or lots of ground for their reſpective loſſes or damages according to their ſeveral and reſpective intereſts and eſtates therein, and the verdict of ſuch jury and the judgment of the ſaid mayors court thereupon and the payment of the ſum or ſums of money ſo awarded or adjudged to the owner or owners thereof, or tender and refuſal thereof ſhall be concluſive and binding to all intents and purpoſes againſt the ſaid owner or owners, his her and their reſpective heirs, executors, adminiſtrators and aſſigns, claiming any eſtate or intereſt of in or to the ſaid houſes or ground. And it ſhall be thereupon lawful to and for the ſaid mayor, aldermen and commonalty of the ſaid city of New-York, and their ſucceſſors, to cauſe the ſame ground to be converted to and for the purpoſes aforeſaid.

John Stagg and others to determine what part of the expenſe ſhall be borne by Individuals whoſe property is benefited thereby, and to apportion the ſame.

And be it further enacted, That it ſhall and may be lawful to and for John Stagg, George Stanton, Joſeph Stringham, William Depeyſter and Anthony Poſt, or a majority of them, upon a full and equitable conſideration of all the circumſtances attending the ſame, to determine what part or proportion thereof, ſpecifying the ſum that ought to be borne and paid by individual citizens, whoſe eſtates in the ſaid ſtreets and vicinity thereof will become advanced or increaſed in value by ſuch improvements, and to make a juſt and equitable aſſeſſment of the laſt mentioned ſum among the owner or owners of all the houſes and lots in the vicinity thereof according to the benefit they may reſpectively be deemed to acquire or receive thereby, and that the ſaid perſons reſpectively before they ſhall enter upon the execution of their truſt, be duly ſworn before the ſaid mayor or recorder to make the ſaid eſtimate and aſſeſſment, fairly and impartially according to the beſt of their ſkill and judgment, and a certificate in writing of ſuch eſtimate and aſſeſſment being returned in writing, ſubſcribed by the ſaid perſons ſo appointed or a majority of them, or a majority of the ſurvivors of them to the ſaid common council, and ratified by them ſhall be binding and concluſive upon the ſaid owner or owners of ſuch houſes and lots ſo to be aſſeſſed reſpectively, and the ſaid owner or owners reſpectively, ſhall thereupon become and be liable and chargeable, and they are hereby required upon demand to pay to ſuch perſon as ſhall be authorized by the ſaid common council to receive the ſame, the ſum at which each ſuch reſpective houſe or lot ſhall be ſo aſſeſſed, to be employed and applied for and towards the payment of ſuch loſſes

and before they enter on ſaid truſt, to be ſworn to make the eſtimate and aſſeſſment fairly.

And the owners of lots to pay the ſums at which they are aſſeſsed to the per-

and damages as may have ariſen in conſequence of the enlargement and alterations hereby intended to be made to the owner or owners thereof reſpectively, ſo as aforeſaid by the jury reſpectively to be aſſeſſed, and in default of payment thereof or any part thereof, it ſhall and may be lawful to and for the ſaid mayor, recorder and aldermen of the ſaid city, or any three of them, of whom the mayor or recorder always to be one, by warrant under their hands and ſeals, to levy the ſum and ſums of money ſo aſſeſſed, by diſtreſs and ſale of the goods and chattels of the owner or owners of ſuch houſe and lot ſo aſſeſſed and refuſing or neglecting to pay the ſame, rendering the overplus if any there be, after deducting the ſum aſſeſſed and the charges of diſtreſs and ſale to ſuch owner or owners reſpectively, or his her or their legal repreſentative or repreſentatives. And if it ſhould ſo happen, that ſuch owner or owners ſhall have no goods or chattels to ſatisfy the aſſeſſment aforeſaid, that then and in ſuch caſe, the ſame ſhall be deemed a debt due from the owner or owners thereof, his her or their lawful repreſentative or repreſentatives, to the mayor, aldermen and commonalty of the ſaid city, and ſhall be payable to them within three months after ſuch aſſeſſment, and moreover ſhall become a charge or lien and prior incumbrance upon ſuch houſe and lot of ground into whoſe hands or poſſeſſion the ſame ſhall then be, or at any time thereafter ſhall come or deſcend; and the reſpective owner or owners of of ſuch houſes and lots of ground reſpectively, at the time of ſuch aſſeſſment, ſhall thereupon become and be reſpectively liable and chargeable, and they are hereby required to pay to the treaſurer or chamberlain of the ſaid city for the time being, who is hereby authorized to receive the ſame to the uſe of the ſaid corporation, the ſum at which ſuch houſes and lots of ground ſhall be ſo aſſeſſed as aforeſaid, and in default of payment thereof, the ſame ſhall and may be recovered at the ſuit of the ſaid treaſurer or chamberlain in any court of record within this State, with coſts of ſuit, and no ſuch action or ſuit ſhall be abated or diſcontinued by the death of the treaſurer or chamberlain of the ſaid city or by his reſignation or removal from office, but ſhall be continued and proſecuted to effect by his ſucceſſor in office.

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ſons appointed to receive the ſame, and ſuch ſums how to be applied. And in default of payment the ſame to be levied by diſtreſs and ſale.

CHAP. LXXIV.

An ACT *to amend an act for the more ſpeedy recovery of debts to the value of ten pounds.*

Paſſed the 9th of April, 1795.

Preamble.

WHEREAS doubts have ariſen whether actions of treſpaſs by the act entitled "An act for the more ſpeedy recovery of debts to the value of ten pounds," are made cognizable before any one Juſtice of the Peace in this State. And whereas it tends to the advancement of ſpeedy juſtice and the ſaving of coſts and trouble that ſuch actions be made cognizable before any one juſtice of the peace of any city or county of this State, and for the removing of ſuch doubts, therefore

Be it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That all actions of treſpaſs on any land or other real eſtate wherein the damages ſhall not exceed the ſum of ten pounds current money of this State ſhall be and hereby are made cognizable before any one juſtice of the peace of any city or county of this State any thing in the above recited act to the contrary notwithſtanding. *Provided always* that whenever any defendant ſhall *juſtify* on a plea of title in ſuch manner as is preſcribed in and by the twelfth ſection of the above recited act, then the juſtice ſhall proceed as in the ſaid twelfth ſection of the ſaid act is directed.

All actions of treſpaſs under ten pounds cognizable, before any one juſtice of the peace.

Proviſo.

And be it further enacted, That all penalties not exceeding the ſum of ten pounds impoſed by the act entitled "An act to lay a duty of exciſe on ſtrong liquors and for the better regulating of inns and taverns," already incurred or hereafter to be incurred ſhall and may be recovered before any juſtice of the peace in any city or county of this State where the ſame penalty hath been or ſhall be incurred. And all ſuits and actions for any ſuch penalty ſhall be and hereby are made cognizable before ſuch juſtice, any thing in the ſaid laſt mentioned act, or the act entitled An act to redreſs diſorders by common informers and to prevent malicious informations, to the contrary notwithſtanding.

All penalties not exceeding ten pounds, impoſed by the exciſe act, recoverable before any one Juſtice of the peace.

And be it further enacted, That all convictions to be had before any juſtice of the peace for offences againſt the ſaid act entitled An act to lay a duty of exciſe on ſtrong liquors, and for the better regulating of inns and taverns, ſhall be drawn up in the following form viz. City of New York (or Weſtcheſter county or other city or county as the caſe ſhall require) to wit, Be it remembered that on the day of in the year of our Lord one thouſand A B of the city of New York (or of Bedford in the county of Weſtcheſter or other city or town or county as the caſe may require) merchant (or farmer or other addition as the caſe may require and adding being an innholder or tavern keeper if the caſe be ſo) is this day convicted before C D Mayor (or Recorder or one of the aldermen as the caſe may require) of the ſaid city (or one of the juſtices of the peace of the ſaid county, as the caſe may require) of having on the day of laſt or inſtant at in the ſaid city (or county) ſold by retail one quart (or other quantity) of rum (or other ſpirituous liquors without having ſuch permit (or to be drank in his (or her) houſe (or out houſe yard or garden, without having entered into ſuch recognizance as is mentioned in the act entitled An act to lay a duty of exciſe on ſtrong liquors and for the better regulating of inns and taverns (or) of not having in his (or her houſe two ſpare beds for gueſts with good and ſufficient ſheeting and covering for ſuch beds reſpectively for the accommodation of travellers, or of not having good and ſufficient ſtabling and provender of hay and grain if in winter, and if in ſummer of hay or paſturage, for four horſes or other cattle more than his or her own ſtock for the accommodation of travellers according to the form of the act entitled "An act to lay a duty of exciſe on ſtrong liquors and for better regulating of inns and taverns," or of having on the day of laſt or inſtant at in the ſaid city or county ſold one gill (or other quantity) of rum (or other ſtrong liquors) to an apprentice [or ſervant or ſlave] of knowing or having reaſon to ſuſpect or believe him or her to be ſuch without the conſent of his or her maſter (or miſtreſs) againſt the form of the act entitled An act to lay a duty of exciſe on ſtrong liquors and for the better regulating of

All convictions of offences againſt ſaid exciſe act, to be drawn up in the form herein directed.

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inns and taverns, [or] of having for the ſpace of one month [or two or more months] neglected to put up and keep ſuch ſign up as is required by the act entitled An act to lay a duty of exciſe on ſtrong liquors and for the better regulating of inns and taverns. Given under my hand and ſeal the day and year firſt above written. And every ſuch conviction ſhall within thirty days after it is made be filed in the office of the clerk of the city or county where the offence was committed, there to remain as a record, and may be pleaded in bar to any other proſecution for the ſame offence.

And ſuch conviction to be filed in the office of the clerk of the City or County.

And be it further enacted, That the twenty ſecond ſection of the act hereby amended authorizing the conſtables in certain counties in this State to execute any ſummons or precept in any part of their reſpective counties ſhall be and hereby is extended to all other counties within this State.

37th ſection of the act hereby amended, extended to all the counties of this ſtate.

CHAP. LXXV.

An ACT *for the encouragement of Schools.* Paſſed the 9th of April, 1795.

20,000l. for five years annually, appropriated for maintaining ſchools in the ſeveral cities and towns of this ſtate, for completing an Engliſh education.

BE it enacted *by the People of the State of New-York repreſented in Senate and Aſſembly*, That out of the annual revenue ariſing to this State from its ſtock and other funds, excepting ſo much thereof as ſhall be neceſſary for the ſupport of government, the ſum of twenty thouſand pounds ſhall be annually appropriated for the term of five years for the purpoſe of encouraging and maintaining ſchools in the ſeveral cities and towns in this State, in which the children of the inhabitants reſiding in the State ſhall be inſtructed in the Engliſh language, or be taught Engliſh grammer, arithmetic, mathematics, and ſuch other branches of knowledge as are moſt uſeful and neceſſary to complete a good Engliſh education: Which ſum ſhall be diſtributed among the ſeveral counties in the manner following until a new apportionment of the repreſentation of the Legiſlature of this State ſhall be made. That is to ſay:

Said ſum apportioned among the ſeveral counties.

The city and county of New York ſhall be entitled to receive the ſum of one thouſand eight hundred and eighty eight pounds.
The county of Kings, the ſum of one hundred and ſeventy four pounds.
The county of Queens, the ſum of ſeven hundred and forty four pounds.
The county of Suffolk, the ſum of eight hundred and forty pounds.
The county of Richmond, the ſum of one hundred and ſeventy four pounds.
The county of Weſt Cheſter, the ſum of one thouſand one hundred and *nine two* pounds.
The county of Dutcheſs, the ſum of two thouſand two hundred pounds.
The county of Ulſter, the ſum of one thouſand four hundred and forty pounds.
The county of Orange, the ſum of nine hundred and forty four pounds.
The county of Columbia, the ſum of one thouſand three hundred and ninety pounds.
The county of Renſſelaer, the ſum of one thouſand one hundred and ninety two pounds.
The county of Waſhington, the ſum of one thouſand one hundred and fifty two pounds.
The county of Clinton, the ſum of two hundred pounds.
The county of Albany, the ſum of one thouſand five hundred and ninety pounds.
The county of Saratoga, the ſum of one thouſand and ninety two pounds.
The county of Herkemer, the ſum of nine hundred and thirty pounds.
The county of Montgomery, the ſum of eleven hundred and ninety two pounds.
The county of Otſego, the ſum of eight hundred and forty four pounds.
The county of Onondaga, the ſum of one hundred and ſeventy four pounds.
The county of Tioga, the ſum of three hundred and forty eight pounds. And
The county of Ontario, the ſum of three hundred pounds.

State Treaſurer to pay the ſums ſo apportioned to county Treaſurer.

And the Treaſurer of the State is hereby required to pay the ſaid ſeveral ſums of money to the Treaſurers of the reſpective counties, or to their reſpective orders on the third Tueſday of March in every year, or as ſoon thereafter as the ſaid monies ſhall come into his hands.

Proviſo.

Provided nevertheleſs that the firſt of the ſaid annual payments ſhall be made on the third Tueſday of March in the year one thouſand ſeven hundred and ninety-ſix.

If the annual revenue of the ſtate, ſhall be inſufficient to pay ſaid ſums, how they are then to be paid.

And if the annual revenue of the State after deducting what may be neceſſary for the ſupport of government ſhall not be ſufficient for the payment of the whole of the ſaid ſum of money in any one year, then the Treaſurer of the State ſhall pay the ſame out of any monies not otherwiſe appropriated which may be, or may come into the Treaſury; and if the whole of the ſaid monies not otherwiſe appropriated ſhall not be ſufficient for that purpoſe, then every ſuch payment ſhall be made to each county reſpectively in the ſame proportion as the whole of the ſaid money is hereby directed to be paid before the next apportionment of the repreſentation in the Legiſlature, and after ſuch next apportionment ſhall be made, every payment to the ſeveral counties ſhall be in proportion to the number of electors for members of Aſſembly in each county.

County Treaſurers to retain three pence in the pound for their ſervices.

And the Treaſurers of the reſpective counties are hereby authorized to retain in their hands the ſum of three pence in the pound for every pound of the monies which may come into their hands by virtue of this act as a compenſation for their ſervices in receiving and paying the ſame.

AND WHEREAS it will be expenſive and inconvenient to enumerate the inhabitants of the ſeveral towns in every year. Therefore

Superviſors to divide the money allowed to each county, among the towns, and to certify to each town the ſum allotted to it, which certificate ſhall be filed in the town Clerk's office.

BE it further enacted, That it ſhall be the duty of the ſuperviſors in each and every of the counties in this State at their meeting on the laſt Tueſday of May or within ten days thereafter in every year to apportion the ſaid reſpective ſums among the ſeveral towns in their reſpective counties after having deducted the fees of the Treaſurers of their reſpective counties for receiving and paying the ſame according to the number of taxable inhabitants which ſhall appear to be in the ſeveral towns in each county, by the tax liſts, directed to be annually returned to them by the act entitled "An act for defraying the public and neceſſary charge in the reſpective counties of this State," and if at their ſaid time of meeting no ſuch tax liſt ſhall be returned to them by the aſſeſſors of any one or more of the towns

in any county, then it ſhall be lawful for the ſuperviſors to eſtimate the number of taxable inhabitants in any ſuch town or towns according to the beſt information that they ſhall be able to obtain; and when ſuch apportionment ſhall be completed, the ſuperviſors ſhall certify to each town the ſum of money allotted to that town by virtue of this act; and a copy of ſuch certificate ſubſcribed and ſealed by them ſhall be delivered to each ſuperviſor preſent, who ſhall file the ſame in the office of the clerk of the town for which he ſhall be ſuperviſor, and when any one or more of the ſuperviſors are abſent, it ſhall be the duty of the clerk of the ſupervisors to tranſmit ſuch certificates to the clerks of the ſeveral towns whoſe ſupervisors were not preſent at ſuch annual meeting, and ſuch clerks ſhall file the ſame in their reſpective offices.

A ſum equal to one half the ſum allowed by this act to the city and county of N. York to be raiſed by tax in ſaid city and county, to be applied as aforeſaid.

And be it further enacted, That the mayor, aldermen and commonalty of the city of New-York, in common council convened, ſhall yearly and every year during the continuance of this act, cauſe to be raiſed by a tax in the ſaid city and county, a ſum equal to one half the ſum ſo appropriated for encouraging and maintaining ſchools in the city and county of New-York, by virtue of this act in the ſame year, to be added to and applied in the ſame manner with the money ſo appropriated as aforeſaid, which ſaid ſums of money ſo to be raiſed ſhall be aſſeſſed, levied, collected and paid according to the directions of the act entitled, "An act for the more effectual collection of taxes in the city and county of New-York."

A ſum equal to one half the ſum allowed by this act to the ſeveral towns in this State to be raiſed by tax in the ſaid towns and applied as aforeſaid.

And be it further enacted, That the ſupervisors of each of the ſeveral other counties of this State, ſhall yearly and every year during the continuance of this act, cauſe to be raiſed by a tax in each town in the ſame county, a ſum equal to one half of the ſum to be allotted to the ſame town in the ſame year, out of the money ſo appropriated to the county by the State in the ſame year, by virtue of this act, to be added to and applied in the ſame manner, with the money ſo to be allowed to the ſame town in the ſame year by virtue of this act, which ſaid ſums of money ſhall be raiſed, levied, collected and paid to the treaſurer of the ſame county, together with and in the ſame manner as the neceſſary and contingent charges of the ſaid county are to be raiſed collected and paid by virtue of the act entitled "An act for defraying the public and neceſſary charge in the reſpective counties of this State.

Mayor, aldermen & commonalty of New York may apply the monies allotted by this act to the city & county of N. York as well to the charity ſchools as any other ſchools.

And be it further enacted, That it ſhall and may be lawful for the mayor, aldermen and commonalty of the city of New-York, in common council convened, from time to time during the continuance of this act, to cauſe, as well the money ſo appropriated for encouraging and maintaining ſchools in the city and county of New-York, as the money to be raiſed in the ſaid city and county for the ſame purpoſe by virtue of this act, to be applied as well for the encouragement and maintenance of the ſeveral charity ſchools, as of all other ſchools in which children ſhall be inſtructed in the Engliſh language, or taught Engliſh grammar, arithmetic, mathematics and ſuch other branches of knowledge as are moſt uſeful and neceſſary to complete a good Engliſh education, whether the children taught in ſuch charity ſchool, ſhall be the children of white parents, or deſcended from africans or indians in ſuch manner as the common council ſhall think proper, and in conformity with the intent of this act: and ſhall on or before the firſt day of November, in the year of our Lord one thouſand ſeven hundred and ninety ſix, and on or before the firſt day of November in every year thereafter during the continuance of this act, cauſe an account of the application and diſtribution of the ſaid monies to be filed in the office of the ſecretary of this State, who ſhall deliver the ſame to the legiſlature at their then next ſeſſion.

and ſhall annually cauſe to be filed in the Secretary's office of this State an account of the application of ſaid monies and the Secretary ſhall deliver the ſame to the Legiſlature.

And be it further enacted, That on the diſtribution of the monies aſſigned to or to be raiſed within the city and county of New-York, amongſt the different ſchools in the ſaid city, that if one or more of the ſaid ſchools ſhould refuſe to receive their reſpective proportions of the money ſo aſſigned or raiſed as aforeſaid, then and in that caſe, the ſame ſhall be appropriated to the charity ſchools in the ſaid city at the diſcretion of the ſaid common council.

If any ſchool in the city of New York ſhall refuſe to receive the ſum allotted to it how ſuch ſum is then to be applied.

And be it further enacted, That the ſupervisors of the county of Albany ſhall yearly and every year during the continuance of this act, cauſe to be raiſed by a tax in the city of Albany, a ſum equal to one half of the ſum to be appropriated for encouraging and maintaining ſchools in the ſaid city by virtue of this act in the ſame year, to be added to and applied in the ſame manner with the monies ſo appropriated as aforeſaid, which ſaid ſum of money ſo to be raiſed, ſhall be aſſeſſed, levied and collected and paid to the treaſurer of the ſame county, together with and in the ſame manner as the neceſſary and contingent charges of the ſame county are to be raiſed, collected and paid, by virtue of the act entitled "An act for defraying the public and neceſſary charge in the reſpective counties of this State.

A ſum equal to one half the ſum allowed by this act to the city of Albany to be raiſed by tax in the ſaid city,

and applied together with the money allowed by this act for the ſupport of Engliſh ſchools.

And be it further enacted, That it ſhall and may be lawful for the mayor, aldermen and commonalty of the city of Albany, in common council convened, from time to time during the continuance of this act, to cauſe as well the money ſo appropriated for encouraging and maintaining ſchools in the city of Albany, as the money to be raiſed in the ſaid city for the ſame purpoſe by virtue of this act to be applied for the encouragement and maintenance of the ſchools in which children ſhall be inſtructed in the Engliſh language, or taught Engliſh grammar, arithmetic, mathematicks and ſuch other branches of knowledge as are moſt uſeful and neceſſary to complete a good Engliſh education, in ſuch manner as the common council ſhall think proper and moſt agreeable to the intent of this act, on or before the firſt day of November, in the year of our Lord one thouſand ſeven hundred and ninety ſix, and on or before the firſt day of November in every year thereafter during the continuance of this act, cauſe an account of the application of the ſaid monies to be filed in the office of the Secretary of this State, who ſhall deliver the ſame to the legiſlature at their then next ſeſſion. And the treaſurer of the ſaid county of Albany is hereby directed to pay as well the money ſo to be allotted to as to be raiſed in the ſaid city of Albany, for encouraging and maintaining ſchools in the ſaid city of Albany, to the order of the mayor, aldermen and commonalty of the city of Albany, to be by them appropriated as aforeſaid.

an account of the application of the monies to be yearly lodged in the Sec'ys. office and to be delivered by the Sec'y. to the Legiſlature.

And be it further enacted, That it ſhall be lawful for the freeholders and inhabitants in the ſeveral towns in the State, who may be qualified by law to vote at town meetings, to elect at their reſpective

Freeholders and inhabitants of the ſeve-

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ral towns in this State to elect commiſſioners to ſuperintend the ſchools.

annual town meetings not leſs than three nor more than ſeven perſons who ſhall, during the continuance of this act be commiſſioners of ſchools, and have the ſuperintendance thereof, and ſhall determine concerning the diſtribution of the monies allotted to or raiſed in the ſame town, for the purpoſe of encouraging and maintaining ſchools by virtue of this act, in the manner hereafter directed. *Provided*, that for the preſent year, the ſupervisor and town clerk and aſſeſſors ſhall be the commiſſioners.

City of Hudſon in every reſpect for the purpoſes intended by this act to be conſidered as a town.

And be it further enacted, That the city of Hudſon in the county of Columbia, ſhall be conſidered as a town for all the purpoſes contemplated in this act, and the freemen of the ſaid city being inhabitants thereof, ſhall annually elect commiſſioners of ſchools, in like manner as laſt above preſcribed, and at ſuch time in every year as they are by law directed to elect aldermen, aſſiſtants and other officers in and for the ſaid city, and the ſaid commiſſioners when ſo elected and qualified as above preſcribed, ſhall continue in office for the like time, perform the like duties, exerciſe the like powers, and proceed in doing buſineſs in like manner as the commiſſioners of ſchools in the ſeveral towns in the State; and every certificate or other matter in writing which is hereby directed to be filed in the office of the clerk of any town, ſhall in and for the ſaid city be filed in the office of the clerk of the city.

And the city of Albany to be conſidered as a town in the diſtribution of the monies.

And that the city of Albany in the county of Albany ſhall be conſidered as a town in the diſtribution to be made by the ſupervisors of the ſame county, of the money appropriated to the ſame county by this act.

Inhabitants reſiding in different parts of a town to aſſociate for the purpoſe of procuring ſchoolmaſters &c. and to appoint two perſons as truſtees of every ſchool.

And be it further enacted, That for the purpoſe of deriving a benefit from the monies hereby appropriated, it ſhall be lawful for the inhabitants reſiding in the different parts of any town, to aſſociate together for the purpoſe of procuring good and ſufficient ſchoolmaſters, and for erecting or maintaining ſchools in ſuch and ſo many parts of the town where they may reſide, as ſhall be found moſt convenient and in which ſhall be taught ſuch branches of learning as are intended to receive encouragement from the monies hereby appropriated. And all ſuch perſons as may aſſociate together for the purpoſes above mentioned, ſhall appoint two or more perſons to act in their behalf as truſtees of every ſuch ſchool.

Proviſo.

Provided nevertheleſs, That no perſon ſhall be appointed a truſtee of any ſuch ſchool who may be in any other manner authorized or empowered to carry this act into effect.

Truſtees duty.

And the ſaid Truſtees ſhall, whenever they may judge it neceſſary, confer with the commiſſioners of ſchools for the town or ward where they may reſide, concerning the qualifications of the maſter or maſters that they may have employed, or may intend to employ in their ſchool, and concerning every other matter which may relate to the welfare of their ſchool, or to the propriety of erecting or maintaining the ſame to the intent that they may obtain the determination of the ſaid commiſſioners whether the ſaid ſchool will be entitled to a part of the monies allotted to or raiſed in that town by virtue of this act, and whether the abilities and moral character of the maſter or maſters employed or intended to be employed therein are ſuch as will meet with their approbation. And the ſaid truſtees of the ſaid ſeveral ſchools ſhall on the third Tueſday in March in every year, or within four days thereafter make a return certified under their reſpective hands to the commiſſioners of ſchools for the town where their reſpective ſchools may have been kept, containing the name or names of the maſter or maſters who in the year then next preceding may have inſtructed in the ſchool for which they were appointed truſtees, and the time or times when they ſeverally began or began and left off inſtructing in the ſaid ſchool and the number of days they may have ſeverally inſtructed therein, and the terms upon which they have ſeverally agreed to inſtruct in the ſame, and the names of the ſchollars who in that year have been inſtructed therein and the number of days which they have ſeverally attended the ſchool and the time or times within which the ſchool has been kept in that year. *Provided nevertheleſs*, that the name of any child who ſhall be under the age of four years ſhall not be inſerted in any ſuch returns.

Commiſſioners duty.

And if after the receipt of the ſaid returns it ſhall appear to the ſaid commiſſioners that there is no material error, fraud or deception in them, they ſhall collect into one ſum the whole number of days for which each and every ſchollar that may have attended any one of the ſaid ſchools, ſhall have been inſtructed therein, and ſhall apportion the monies allotted to and raiſed in that town for the purpoſe aforeſaid according to the whole number of days for which inſtruction ſhall appear to have been given in each of the ſaid ſchools in ſuch manner that the ſchool in which the greater number of days of inſtruction ſhall appear to have been given ſhall have a proportionably larger ſum, and if it ſhall at any time appear to the ſaid commiſſioners that the abilities or moral character of the maſter or maſters of any ſchool are not ſuch that they ought to be entruſted with the education of youth or that any of the branches of learning taught in any ſchool are not ſuch as are intended to receive encouragement from the monies appropriated by this act, the ſaid commiſſioners ſhall notify in writing the ſaid truſtees of ſuch ſchool thereof, and to the time of ſuch notification and no longer ſhall any allowance be made to ſuch ſchool, unleſs the ſame thereafter be conducted to the approbation of the ſaid commiſſioners, and where more maſters than one ſhall have been employed in any ſchool the ſaid commiſſioners ſhall apportion the monies allotted to that ſchool among the ſaid ſeveral maſters according to the length of time they may have ſeverally kept the ſchool, or according to ſuch agreement as ſhall have been made with them by the truſtees of the ſchool or by any other perſon or perſons who may have procured them.

Inhabitants of different towns not to be prevented from aſſociating for the aforeſaid purpoſes.

And be it further enacted, That nothing herein contained ſhall be conſtrued to prevent the inhabitants reſiding near the limits or borders of any town from aſſociating with the inhabitants reſiding in any adjoining town for the purpoſes above mentioned; and in every ſuch caſe the truſtees of the ſchool ſhall be reſidents of the town where the ſchool may be kept. And the commiſſioners for that town ſhall make the like diſtribution to ſuch ſchool as is herein before preſcribed with reſpect to the other ſchools in ſuch town.

Commiſſioners in every town to provide a book for entering the names of

And be it further enacted, That the ſaid commiſſioners in every town ſhall provide a book in which they ſhall make an entry of every ſchool under their ſuperintendance, the names of the truſtees, and the maſters names, the time of application made to them by the truſtees and the time of the approba-

tion of the ſaid commiſſioners as well of ſchools already eſtabliſhed as of ſuch as may be eſtabliſhed during the continuance of this act, and ſhall on the laſt Tueſday in May in every year from the return of the truſtees with ſuch vouchers as may be neceſſary determine the ſums due to the Truſtees of the reſpective ſchools, and ſhall give to the truſtees of each ſchool an order on the Treaſurer of the county for the ſum which they ſhall ſo determine to be due, and the Treaſurer of the county is hereby required to pay the ſame. the truſtees, ſchoolmaſters &c.

And be it further enacted, That the commiſſioners in the ſeveral towns within this State ſhall on or before the firſt day of July in the year one thouſand ſeven hundred and ninety ſix and in every year thereafter during the continuance of this act deliverer to the Treaſurer of their reſpective counties a ſchedule containing the number of ſchools, the maſters names, the number of ſcholars taught, and the number of days of inſtruction in the ſchools of which they were the commiſſioners, and the Treaſurers of the ſeveral counties ſhall on or before the firſt day of November in every year tranſmit the ſame to the Secretary's office, and the Secretary ſhall lay the ſame before the Legiſlature at their next meeting. Commiſſioners annually to deliver to county treaſurer a ſchedule of the number of ſchools, the maſters names, the number of ſcholars, &c. and the county treaſurer to tranſmit the ſame to the Secretary's office.

AND WHEREAS ſpecial proviſion hath already been made for the encouragement of learning in the ſeveral colleges and academies in the State. Therefore

BE it further enacted, That nothing in this act contained ſhall be ſo conſtrued as to extend to any college or academy which now is or hereafter may be incorporated under the authority of the Regents of the Univerſity, or by virtue of any law of this State. This act not to extend to any college or academy.

And be it further enacted, That this act ſhall be in force and take effect from and after the firſt Tueſday of April one thouſand ſeven hundred and ninety-five. This act when to take effect.

C H A P. LXXVI.

An ACT *for the payment of certain officers and government and other contingent expences.*

Paſſed the 9th of April, 1795.

BE it enacted *by the People of the State of New-York, repreſented in Senate and Aſſembly*, That the Treaſurer ſhall pay on or before the firſt day of July next, to Simeon De Witt Surveyor General of this State the ſum of four hundred pounds. To James Fairlie clerk of the courts of Oyer and Terminer and general gaol delivery the ſum of four hundred pounds. To Francis Childs printer for this State, the ſum of one hundred pounds—for their ſervices in their reſpective offices from the firſt day of July laſt to the firſt day of July next; and to the ſaid Francis Childs the further ſum of forty-eight pounds for his extra work as printer during the preſent ſeſſion, and the further ſum of two hundred and fifty eight pounds four ſhillings for printing the communications of the Agricultural Society of this State agreeably to concurrent reſolutions of the Senate and Aſſembly of this State paſſed March 3d 1794, and alſo the further ſum of one hundred and ninety ſeven pounds twelve ſhillings for providing and diſtributing the laws of the United States agreeably to the concurrent reſolutions of the Senate and Aſſembly, paſſed January 25th 1793. Treaſurer to pay Simeon De Witt 400l. James Fairlie 400l. Francis Childs 100l. Francis Childs 48l. and 258 : 4 : 0 and 197 : 12 : 0

Provided nevertheleſs, That the ſaid Simeon De Witt ſhall account with the Auditor for this State and pay into the Treaſury all the fees which he may have received as Surveyor General during the time above ſaid and which have not been already accounted for and paid. Simeon De Witt to account for fees by him received,

And be it further enacted, That the Treaſurer ſhall pay unto David Van Horne, Adjutant General of the Militia of this State at and after the rate of four hundred pounds for his ſervices in the ſaid office from the firſt day of July laſt to the firſt day of July next. David Van Horne, Adjutant General 400l.

And be it further enacted, That the Treaſurer ſhall pay to ſuch of the Clergy as ſhall have attended the Legiſlature, as Chaplains, during the preſent ſeſſion, the ſum of twenty ſhillings each, for every day of their attendance for that purpoſe, and the certificates of their attendance, and the ſums due to them reſpectively, ſhall be certified by the Preſident of the Senate, and the ſpeaker of the Aſſembly in like manner as for members of the Legiſlature. To the clergy who attended the legiſlature each 20s. per day.

And be it further enacted, That the Treaſurer ſhall pay to each member of the joint committee, of the Senate and Aſſembly, who attended at the Secretary's office, to canvaſs the ballots taken at the laſt election for Senators, for every day they attended, or were travelling to or from their reſpective places of abode, for the purpoſe of attending on ſuch canvaſs the like compenſation as is allowed to the members of the Legiſlature for their ſervices, in and by the act, entitled, " An act for the ſupport of Government. To the canvaſſing committee the like compenſation as is allowed the members of the legiſlature.

And be it further enacted, That the Treaſurer of this State ſhall pay to Jonathan Ruſſell, the ſum of thirty pounds fifteen ſhillings for his ſervices and expenſes in tranſporting arms, accoutrements and one piece of ordnance from Fort Stanwix, in the county of Herkemer, to the ſalt ſprings in the county of Onondaga, and to Comfort Tylor, the ſum of three pounds four ſhillings, for his trouble and expenſe, in procuring from Fort-Stanwix, arms furniſhed by the State, for the eaſtern part of the county of Onondaga. To Jonathan Ruſſel 30 : 15 To Comfort Tylor 3 : 4

And be it further enacted, That the Treaſurer of this ſtate, be and he is hereby directed, to pay to Othniel Taylor and Benjamin Wells, ſuch ſum of money as may be certified by the Auditor of this State, to be due to them or to either of them, for tranſporting from Fort-Stanwix to the county of Ontario, the arms, accoutrements, and ordance ſent to that county, by order of his Excellency the Governor. To Othniel Taylor and Benjamin Wells ſach ſum as ſhall be certified by the Auditor to be due to them.

And be it further enacted, That the Treaſurer ſhall pay to Jacob Kidney, late door keeper to the Aſſembly, for ſervices rendered ſince the laſt adjournment of the Legiſlature, the ſum of fourteen pounds. To Jacob Kidney 14l.

And be it further enacted, That the Treaſurer ſhall pay to Eleazer Oſwald, who ſurvived Elizabeth Holt, adminiſtrators of John Holt, deceaſed, Citizen and inhabitant of the ſtate of Pennſylvania, the ſum of two thouſand one hundred and forty four pounds, thirteen ſhillings and eleven pence To Eleazer Oſwald 2,144 : 13 : 11

A. D. 1795. Ind. U. S. XIX. Proviſo.

Provided, The ſaid Eleazer Oſwald, ſhall execute a releaſe and diſcharge in full, of and from a certain judgment recovered by him in the Supreme court of the United States, againſt this State, and from any execution or executions on the ſaid judgment, and for all coſts and charges which have accrued thereon, and to the Attorney-General of this State, ſuch ſum as ſhall be audited by the Auditor of the ſtate, for the expenſes and diſburſements paid by the ſaid Attorney-General, in defending of the ſaid ſuit.

Treaſurer to retain in his own hands 653 : 19 : 6

And be it further enacted, That it ſhall be lawful for the Treaſurer to retain in his hands, out of any monies which may be in the Treaſury, the ſum of ſix hundred and fifty-three pounds, nineteen ſhillings and ſix pence, to reimburſe himſelf the like ſum advanced by him, to the agents appointed by his Excellency the Governor, to meet the ſeveral Indians who have come to the city of New-York, during the preſent ſeſſion of the Legiſlature.

Governor to draw from the treaſury 3000l. to defray expences of Indian treaties.

And be it further enacted, That it ſhall be lawful for the perſon adminiſtering the government of this State for the time being, to draw out of the Treaſury ſuch ſums of money not exceeding in the whole, the ſum of three thouſand pounds, as he ſhall judge neceſſary to defray the expenſe of any treaties to be held with the nation or tribe of Indians, uſually diſtinguiſhed as the St. Regis Indians, or with any other nation or tribe of Indians claiming to have any right or title to lands in the Northern parts of this State, comprehending the compenſation to the commiſſioner or commiſſioners, holding any ſuch treaty under the authority of the United States, and which may be held in conſequence of an application from the perſon adminiſtering the government of this State for the time being, if he ſhall judge ſuch commiſſioner or commiſſioners neceſſary for holding ſuch treaty, and alſo comprehending the compenſation to ſuch perſon or perſons as the perſon adminiſtering the government of this ſtate for the time being, ſhall employ to examine and to procure, and prepare proofs and teſtimony reſpecting any right or title which any nation or tribe of Indians may claim to have to lands in the Northern parts of this State, and further, that it ſhall and may be lawful for the perſon adminiſtering the government of this ſtate for the time being, either by himſelf or by an agent or agents to be appointed by him to treat and agree with any nation or tribe of Indians, for the purchaſe or releaſe of the right or title of ſuch nation or tribe of Indians, to lands in the Northern parts of this State, in ſuch form and on ſuch terms as the perſon adminiſtering the government of this ſtate for the time being, or the ſaid agent or agents ſhall judge moſt adviſable and beneficial for the State.

Governor authorized to treat with Indians for relinquiſhing any claim they may have to any lands in the northern parts of this State.

A certain act repealed.

And be it further enacted, That the act entitled an act, to amend an act, entitled, an act relative to the Indians reſident within this ſtate, be and the ſame is hereby repealed.

Recital.

AND WHEREAS the Senate and Aſſembly did, on the fourth of March laſt, by concurrent reſolutions reſolve that the Secretary of this State cauſe to be printed immediately, as many copies of the act, entitled, an act for taking a cenſus in this State, and of the ſchedules therein mentioned, as are by the ſaid act directed, and to forward the ſame by expreſs to the proper officers, and that the Legiſlature would provide for the expenſe thereof. Therefore,

Treaſurer to paythe ſecretary the amount of certain expences.

Be it further enacted, That the Treaſurer of this State be, and he is hereby directed to pay to the ſaid Secretary, the amount of the ſaid expenſes, agreeably to ſuch account thereof, as he ſhall produce audited by the Auditor of this State.

Recital.

AND WHEREAS it appears that William Colbrath, late Sheriff of the county of Herkemer, hath expended the ſum of thirty-one pounds, two ſhillings and three pence, in executing the orders of his Excellency the Governor of this ſtate, relative to the intruders on the land, belonging to the Brothertown Indians. Therefore,

Treaſurer to pay William Colbrath 31 : 2 : 3

Be it further enacted, That the Treaſurer of this ſtate be, and he is hereby authorized and required to pay to the ſaid William Colbrath, the ſaid ſum of thirty one pounds two ſhillings and three pence, for his ſervices and expenſes in executing the ſaid orders.

To Sebaſtian Bauman 40l. per annum as commiſſary of military Stores.

And be it further enacted, That the Treaſurer of this ſtate ſhall pay to Sebaſtian Bauman, late commiſſary of military ſtores, for his ſervices in the ſaid office, from the firſt day of July, one thouſand ſeven hundred and ninety-two, at and after the rate of forty pounds per annum, during his continuance in office, and alſo to Robert Hunter the preſent commiſſary of military ſtores, for ſuch time as he hath been in the ſaid office, until the firſt day of July next, at and after the rate of forty pounds per annum.

Treaſurer to pay clerks of the Senate and Aſſembly, Serjeants at arms and doorkeepers an additional ſum.

And be it further enacted, That the Treaſurer ſhall pay to the clerks of the Senate and Aſſembly, ſerjeants at arms, and the door-keepers of the Senate and the Aſſembly, the ſum of four ſhillings a day in addition to the ſalaries allowed them by the act entitled "An act for the ſupport of government," for every day they ſhall have attended the Legiſlature during the preſent ſeſſion, to be certified in the manner directed in the act above mentioned.

Reciting that by a certain act 3500l. was appropriated to ſupport certain inhabitants of St. Domingo.

AND WHEREAS by the act entitled "An act for the payment of the ſalaries of certain officers of government and other contingent expences," paſſed 27th March 1794, an appropriation of three thouſand five hundred pounds is made for the ſupport of ſuch of the inhabitants of Saint Domingo reſident within this State as ſhall be found in want of ſuch ſupport, and the diſpoſition of the ſaid monies is placed in the hands of the perſon adminiſtering the government of this State under certain conditions and reſtrictions in the ſaid act ſpecified.

And that only a part of ſaid money has been ſo appropriated, and it is doubtful whether the reſidue can now be ſo appropriated. Governor authorized to expend the ſame for ſaid purpoſes.

And whereas only part of the ſaid monies have been expended in and reſpecting the premiſes, and humanity dictates that the whole appropriation ſhould be applied: And whereas doubts have ariſen whether the perſon adminiſtering the government of this State will be authorized by the ſaid act to cauſe the reſidue of the ſaid monies ſo appropriated to be drawn and expended after the riſing of the Legiſlature: Therefore

Be it further enacted, That it ſhall and may be lawful for the perſon adminiſtering the government of this State to cauſe the reſidue of the monies ſo appropriated to be drawn from the treaſury of this State and expended for the relief of the perſons and in the manner ſpecified in the ſaid act.

And be it further enacted, That there ſhall be allowed and paid by the Treaſurer to Major General

Ganſevoort the ſum of thirty one pounds eight ſhillins and ſix pence, being the amount of monies paid by him for expreſſes ſent to the different commanding officers in the weſtern diſtrict to repair to Fort Stanwix to receive their proportion of arms and accoutrements, and for his expences including the hire of a waggon while attending the above ſervice, and the further ſum of twelve ſhillings per day excluſive of his neceſſary expences, not herein before provided for, for every day he ſhall have been, bona fide, employed as a commiſſioner of fortifications in the Weſtern or Eaſtern diſtrict of this State, or in attending to the ſervice particularly committed to his care by the commander in chief on his account being liquidated by the Auditor of this State.

Treaſurer to pay Gen. Ganſevoort 31 : 8 : 6
And the further ſum of 12s. per day for a certain time.

And be it further enacted, That the Treaſurer of the State ſhall pay to Melancton L. Woolſey or to his order the ſum of one hundred and nine pounds twelve ſhillings in full for his expences in executing the orders of the Governor relative to the tranſportation, diſpoſition and guarding of the arms and ammunition ſent to the northern frontiers of this State in conſequence of the encroachments of the Britiſh government upon that part of the State, and the further ſum of ſixteen pounds eight ſhillings in full for his perſonal ſervices in performing the ſaid buſineſs.

Treaſurer to pay M. Woolſey 109 : 12 and the further ſum of 16 : 8 : 0

And be it further enacted, That the Treaſurer of this State ſhall pay unto the Surveyor General on a warrant or warrants from the perſon adminiſtering the government of this State for the time being, not exceeding in the whole the ſum of one thouſand pounds, as ſhall be neceſſary to defray the expenſes which may from time to time attend the execution of the duties enjoined on the ſaid Surveyor General by the act entitled An act for the further ſale of the unappropriated lands of this State, and that the ſaid Surveyor General ſhall from time to time account for the ſame with the Auditor of this State.

To the ſurveyor general a ſum not exceeding 1000l. to defray certain expences of ſurvey.

And be it further enacted, That the Treaſurer ſhall out of any monies in the treaſury not appropriated, and not ariſing from the intereſt of any monies loaned by this State, pay unto the truſtees of Union College in the town of Schenectady or to their order the ſum of fifteen hundred pounds as a free and voluntary gift on the part of the People of this State, to be by them applied to the purchaſe of an apparatus of inſtruments and machines for illuſtrating lectures in aſtronomy geography and natural philoſophy, and the reſidue if any to be applied to the purchaſe of ſuch books for the uſe of the ſaid College as the truſtees may think proper.

To the truſtees of Union College 1500l.

And be it further enacted, That the Treaſurer ſhall pay unto Philip Schuyler the ſum of four pounds eighteen ſhillings for ſo much paid by him to Iſaac Lawſon for boarding John Swancy ſeven weeks previous to the Legiſlative proviſion made at the laſt ſeſſion for the ſupport of the ſaid John Swancy.

To Philip Schuyler, 4 : 18

And be it further enacted, That ſuch members of the Legiſlature being of the joint committee to canvaſs the votes for repreſentatives in Congreſs and met for that purpoſe at the Secretaries office on the firſt Tueſday of January laſt be allowed twenty ſhillings per day until the Legiſlature met in New-York in purſuance of their adjournment from Poughkeepſie.

To certain members of the canvaſſing committee 20s. per day.

And be it further enacted, That the Treaſurer in ſettling the account of John Carpenter ſhall allow three per cent on the certificates depoſited in the Treaſury by him for ſecurity of monies loaned of the State from the time of ſuch depoſit.

Treaſurer to allow 3 per cent in ſettling John Carpenters account on certain certificates.

And be it further enacted, That there be granted to the Agricultural Society incorporated in this State the ſum of one thouſand dollars to be paid out of any monies unappropriated in the treaſury to the order of the Preſident of the ſaid Society, for the purpoſe of defraying the expenſes of printing ſuch of the communications made to the ſaid Society as they may deem moſt likely to promote the intereſt of agriculture, one copy of which ſhall be diſtributed by the Society to each perſon who ſhall be entitled to receive the laws and journals of this ſtate, and for defraying ſuch other expenſes for the promotion of agriculture as ſhall be determined on by the ſaid Society; which expenditures ſhall be laid before the Legiſlature at their next meeting.

1000 dollars granted to the Agricultural Society.

And be it further enacted, That it ſhall and may be lawful for the Treaſurer to pay to the Governors of the Hoſpital the annual ſum allowed them by law in quarter yearly payments inſtead of annual payments as directed by law.

The annual allowance to the hoſpital to be paid quarterly.

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END OF THE LAWS OF THE EIGHTEENTH SESSION.